

CRIME IN MASS TRANSIT FACILITIES

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
NINETY-EIGHTH CONGRESS
SECOND SESSION

FIELD HEARING
NEW YORK, N.Y.
NONDEPARTMENTAL WITNESSES
DEPARTMENT OF TRANSPORTATION
Urban Mass Transportation Administration

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CRIME IN MASS TRANSIT FACILITIES

WEDNESDAY, JANUARY 18, 1984

U.S. SENATE,
SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
New York, N.Y.

The subcommittee met at 10:36 a.m., at the U.S. Court of International Trade, One Federal Plaza, New York, N.Y.

Present: Senator Alfonse M. D'Amato.

CONGRESSIONAL WITNESSES

OPENING REMARKS

Senator D'AMATO. This is a hearing of the U.S. Senate Committee on Appropriations, Subcommittee on Transportation.

At the outset I want to thank the chairman of the subcommittee, Senator Mark Andrews, who, unfortunately, could not be with us today. He has asked me to submit his statement for inclusion in the record of this hearing, which I now do.

I would like to add for the record that Senator Andrews is a good friend of mass transportation. He's been in the forefront of legislative action to assure the continuance of Federal aid for mass transportation. Such assistance is necessary for small cities and communities as well as for large urban centers, like New York City, and Senator Andrews has displayed his deep concern in this area.

[The statement follows:]

(1)

STATEMENT OF SENATOR ANDREWS

PREVIOUS COMMITMENTS MAKE IT IMPOSSIBLE FOR ME TO BE WITH YOU TODAY, FOR THIS HEARING ON CRIME IN MASS TRANSIT FACILITIES. I DO, HOWEVER, WANT TO UNDERSCORE THE SUBCOMMITTEE'S CONCERN FOR THE PROBLEM.

CRIME THAT OCCURS IN TRANSPORTATION THWARTS THE VERY PURPOSE OF CONGRESSIONAL INTENT, THAT IS, SAFE AND RELIABLE TRANSPORTATION - SAFE AND RELIABLE TRANSPORTATION NOT ONLY FOR THE DAILY USER BUT FOR ALL THOSE WHO HAVE OCCASION TO USE THE SERVICE. IT WOULD BE A SAD COMMENTARY ON THE SITUATION, IF VISITORS TO OUR NATION'S CITIES WHETHER IT BE NEW YORK, CHICAGO, MIAMI OR COLUMBUS COULD NOT OR WOULD NOT AVAIL THEMSELVES OF ALL THE CITY HAS TO OFFER BECAUSE OF FEAR FOR THEIR OWN SAFETY. IT BECOMES MORE DISTURBING WHEN WE HEAR REPORTS THAT THE THREAT OF CRIME ON A SYSTEM IS GREATER THAN ON THE STREETS.

TRANSIT SYSTEMS AND ESPECIALLY TRANSIT FACILITIES ARE USUALLY UNIQUE TO A CITY. OFTEN PHYSICAL LAYOUT FRUSTRATES AND COMPLICATES PROVIDING FOR THE SAFETY AND SECURITY OF PASSENGERS. OLDER SYSTEMS PARTICULARLY HAVE HIDDEN RECESSES, NUMEROUS PLATFORMS, LONG PASSAGeways WITH OBSTRUCTED VIEWS, AND OUT OF THE WAY TRANSIT STOPS. SUCH A PHYSICAL LAYOUT MAKES MOOT THE ISSUE OF USING ELECTRONIC SURVEILLANCE, INCREASED LIGHTING AND/OR INCREASED SECURITY PERSONNEL. NEWER FACILITIES ON THE OTHER HAND HAVE THE ADVANTAGE OF OLDER AUTHORITIES' HINDSIGHT AND ARE ABLE TO BETTER PLAN AND USE NEW TECHNOLOGIES, ARCHITECTURE AND TRAIN EQUIPMENT ITSELF TO PROMOTE SAFETY AND SECURITY.

BEFORE ANY SYSTEM TACKLES THE ISSUE OF CRIME, IT MUST CONSIDER ITS OWN UNIQUE SET OF CIRCUMSTANCES. THIS INCLUDES THE TYPE OF SERVICE IT PROVIDES (BUS VERSUS RAIL MIX), THE LOCATION OF THAT SERVICE (ABOVE GROUND AND/OR BELOW GROUND, AND INNER CITY AND SUBURBAN MIX), HOURS THAT IT PLANS TO PROVIDE SERVICE, AND PEAK LOAD VERSUS OFF-PEAK NEEDS.

THE THOUGHTFUL CONSIDERATION OF AND SUBSEQUENT ANSWERS TO THESE QUESTIONS CAN HELP BETTER DETERMINE THE ROLE OF ARCHITECTURE, TECHNOLOGY AND THE POLICE PLAY IN PROVIDING A SAFE ENVIRONMENT.

IF AUTHORITIES DO NOT ATTEMPT TO ANSWER THESE QUESTIONS THEY FARE A VICIOUS CYCLE IN WHICH THEY ATTRACT FEWER RIDERS AND FEWER RIDERS PRODUCE LESS REVENUE. AND WITH THE LESS REVENUE IT TAKES IS, THE FEWER CHOICES A CITY HAS.

THE SUBCOMMITTEE REPRESENTS A WIDE RANGE OF INTERESTS; HOWEVER, CRIME WHETHER IT OCCURS ON A SUBWAY OR ON A BUS IS OF CONCERN TO US ALL.

THE SUBCOMMITTEE, BESIDES ITS CONCERN TO PROVIDE SAFE AND RELIABLE TRANSPORTATION IS ALSO CONCERNED WITH THE BEST APPLICATION OF FEDERAL DOLLARS.

JUST AS CRIME ON A TRANSPORTATION SYSTEM IN HUMAN TERMS STARTS A VICIOUS CYCLE, BOTH THE LOCAL AUTHORITY AND THE FEDERAL GOVERNMENT MUST BE CONCERNED WITH PROTECTING ITS CAPITAL INVESTMENT. MALICIOUS MISCHIEF AND VANDALISM HAVE NO PLACE IN A TRANSPORTATION SYSTEM. WE NEED TO KNOW HOW MUCH THE FEAR OF CRIME AND VANDALISM, DIRECTED AT EITHER

PERSONS OR PROPERTY, IS AFFECTING TRANSIT RIDERSHIP. LOSS OF REVENUE FROM THESE SERIOUS INCIDENTS AND OTHER ACTIONS SUCH AS "GATE-JUMPING" ARE COSTING US ALL MONEY.

IN THESE TIMES OF CONSTRAINED BUDGETS, EVERY DOLLAR SPENT MUST BE SPENT EFFECTIVELY. FUNDS SPENT ON COMBATTING CRIME ONLY REDUCES THE AMOUNT AVAILABLE SOMEWHERE ELSE. SOON GATE-JUMPING BECOMES NOT INDIVIDUAL, ISOLATED INCIDENTS BUT MILLIONS OF DOLLARS IN LOST REVENUE. THE "ART" OF GRAFITI SOON BECOMES A MILLION DOLLAR MAINTENANCE EXPENSE.

I AM EAGER TO HEAR THE NEW YORK WITNESSES PRESENT THEIR UNIQUE PERSPECTIVE ON THE ISSUE AND THE FEDERAL WITNESSES AS THEY PUT THE ISSUE IN A NATIONAL PERSPECTIVE.

FEDERAL OBLIGATION TO HELP STEM TRANSIT CRIME

Senator D'AMATO. In order to best use our time today, I will not read my prepared remarks to the full extent since I feel it would be preferable to hear from our witnesses.

Several months ago, we held a hearing in this same room with respect to the problem of crime as it affects our mass transit systems; however, I think we in public office have an obligation, not merely to complain and decry the problem, but to attempt to do something about it. Today we will hear testimony from those people charged with the responsibility of funding, operating, and dealing with New York's mass transportation system. In New York City mass transportation provides a vital economic link which is indispensable to the city's health, economy, growth, and vitality. That is why I will soon be submitting legislation, the Transit Crime Prevention Act, to address this problem. My bill will provide \$200 million to aid mass transit systems throughout this Nation and to see to it that the latest techniques may be available in the effort to stem transit crime. I firmly believe there's much that can and will be done, and some of today's witnesses will testify about innovations available to improve transit crime prevention.

By the way, the bill will make available over a 3-year period, approximately \$60 million in this effort for New York alone. So I think it's essential.

In addition, I will offer legislation that will make available greater sums of money on a project-by-project basis.

I must commend Mayor Koch and the administration for going forward with their transit court proposal. There is no reason why some of the less serious crimes cannot be dealt with more expeditiously, and a special transit court will make the criminal justice system much more effective. Some Federal funds may be available for this kind of court. They would be derived from the Urban Mass Transportation Administration's discretionary funds under section 6 and I would support such an application for funds. I now submit my statement for inclusion in the hearing record as if read in its entirety.

[The statement follows:]

STATEMENT OF SENATOR D'AMATO

DURING THE FIRST 11 MONTHS OF 1983, OVER 14,000 SERIOUS CRIMES-- ROBBERIES, ASSAULTS, DRUG AND WEAPONS CRIMES, JEWELRY SNATCHES, ETC.-- WERE REPORTED ON NEW YORK'S SUBWAYS AND BUSES, MOST OF THEM OCCURRING ON THE SUBWAYS.

ON AVERAGE, 40 FELONIES A DAY ARE REPORTED ON THE SUBWAYS ALONE. I EMPHASIZE "REPORTED" SINCE A GOOD PERCENTAGE OF TRANSIT CRIME IS NEVER REPORTED.

BEHIND THESE STATISTICS, HOWEVER, ARE PEOPLE, PEOPLE WHO FOR ECONOMIC AND OTHER REASONS HAVE NO OTHER CHOICE BUT TO TAKE MASS TRANSIT AND OFTEN BE SUBJECTED TO THE THREAT OF ASSAULT, ROBBERY AND OTHER INVASIONS OF THEIR PERSONS AND PROPERTY.

SINCE I ANNOUNCED THAT THE SENATE TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE WOULD HOLD TODAY'S HEARING ON TRANSIT CRIME ONLY LAST MONTH, I HAVE HEARD AND READ OF SEVERAL SERIOUS CRIMES COMMITTED ON THE SUBWAYS.

- THERE IS THE 21 YEAR OLD FEMALE COLLEGE STUDENT WHO WAS SEXUALLY ASSAULTED BY TWO MEN WHO HELD A RAZOR TO HER THROAT AS SHE RODE THE TRAIN.
- AROUND CHRISTMAS, A GANG OF 50-60 YOUTHS KICKED, PUNCHED AND ROBBED PASSENGERS ON A BMT SUBWAY TRAIN IN BROOKLYN.
- AND ONLY SEVERAL DAYS AGO, A TRANSIT POLICE OFFICER WAS STABBED IN THE ABDOMEN AND PUSHED DOWN A FLIGHT OF STAIRS AT AN IRT SUBWAY STOP.

THERE ARE MANY OTHER STORIES, SEVERAL OF WHICH WE WILL BE HEARING THIS MORNING.

THE PUBLIC PERCEPTION IS THAT WE HAVE LOST CONTROL OF THE UNDERGROUND TRANSIT SYSTEM. FEW WOULD ARGUE THAT THE TRANSIT SYSTEM, PARTICULARLY THE SUBWAYS, IS PERCEIVED TO BE, AND IN MANY CASES IS, A DANGEROUS PLACE. THIS PERCEPTION IS HEIGHTENED BY THE FILTH AND GRAFFITI WHICH IS FOUND THROUGHOUT THE SYSTEM.

ON THE ONE HAND, TRANSIT CRIME REFLECTS THE OVERALL CRIME PATTERNS ABOVE GROUND AND IS SIMILAR IN OTHER RESPECTS TO NON-TRANSIT CRIME. AS WITH MOST CRIME, ONE SEES A RELATIVELY SMALL PERCENTAGE OF CRIMINALS COMMITTING A DISPROPORTIONATELY HIGH

NUMBER OF CRIMES. THE TA POLICE SEVERAL YEARS AGO IDENTIFIED APPROXIMATELY 500 PERSONS WHO WERE THOUGHT TO BE RESPONSIBLE FOR UP TO 30% OF ALL SERIOUS CRIMES IN THE SUBWAY.

A LARGE PART OF OF THIS IS DUE TO THE "REVOLVING DOOR JUSTICE" WHICH MUST BE ROOTED OUT OF OUR CRIMINAL JUSTICE SYSTEM.

TRANSIT CRIME, HOWEVER, STANDS APART FROM OTHER TYPES OF CRIME IN SEVERAL WAYS. WHEN YOU WALK DOWN THAT STAIRWELL INTO THE SUBWAY STATION, YOU LOOSE MUCH OF THE CONTROL YOU FEEL ABOVE GROUND. ONE IS, IN ESSENCE, A "CAPTIVE" UNDERGROUND. AT CERTAIN STATIONS, AN ATMOSPHERE OF CRIME IS CREATED BY DARK CORRIDORS AND GRAFFITI-RIDDEN WALLS.

TRANSIT CRIME IS NOT UNIQUE TO NEW YORK. MOST MAJOR TRANSIT SYSTEMS IN THIS NATION EXPERIENCE SIMILAR PROBLEMS. IN 1982, FOR EXAMPLE, A TOTAL OF 5600 SERIOUS FELONIES WERE REPORTED ON TRANSIT SYSTEMS IN THE CITIES OF BOSTON, CHICAGO AND PHILADELPHIA, ALL OF WHICH ARE SUBSTANTIALLY SMALLER IN SIZE THAN NEW YORK'S MASSIVE 710-MILE, 460-STATION SYSTEM.

AS MORE SUBWAY AND LIGHT RAIL OPERATIONS COMMENCE OPERATIONS (FOR EXAMPLE, BALTIMORE RECENTLY STARTED UP ITS SUBWAY SYSTEM), THE UNFORTUNATE REALITY OF TRANSIT CRIME WILL BE FELT IN OTHER CITIES AS WELL.

THE PRIMARY DUTY OF GOVERNMENT IS TO PROTECT ITS CITIZENS AGAINST CRIME. WE MUST RECLAIM OUR SUBWAYS AND BUSES FROM THE THIEVES AND MUGGERS WHO RAVAGE THEM.

WHILE THE NUMBER OF REPORTED CRIMES DURING THE FIRST 11 MONTHS OF 1983 SHOW A SLIGHT IMPROVEMENT OVER 1982, NO ONE CAN SAY THAT WE ARE CLOSE TO WINNING THE WAR AGAINST TRANSIT CRIME.

I BELIEVE THAT THE FEDERAL GOVERNMENT MUST PLACE A HIGHER PRIORITY ON TRANSIT CRIME. IT MUST DEVOTE MORE RESOURCES TOWARD HELPING LOCALITIES ACQUIRE THE TYPE OF CAPITAL EQUIPMENT-- SUCH AS VANDAL-RESISTANT LIGHTING, IMPROVED COMMUNICATIONS DEVICES AND CLOSED-CIRCUIT T.V.-- WITH WHICH TO FIGHT TRANSIT CRIME.

THE FEDERAL GOVERNMENT, AND DOT IN PARTICULAR, MUST ALSO ENCOURAGE DEMONSTRATION GRANTS IN THE AREA OF PREVENTING TRANSIT CRIME.

AN INVESTMENT TO FIGHT CRIME IS BOTH MORALLY SOUND AND FISCALLY PRUDENT. TRANSIT RIDERS HAVE THE RIGHT TO FEEL SAFE AS ON THE NATION'S SUBWAYS AND BUSES. IN ADDITION, THE BILLIONS OF DOLLARS WHICH THE FEDERAL, STATE AND LOCAL GOVERNMENTS HAVE AND WILL INVEST IN MASS TRANSIT IS BEST PROTECTED WHEN TRANSIT CRIME IS MINIMIZED. IN 1982, THE YEAR WHEN TRANSIT CRIME WAS THE GREATEST, RIDERSHIP ON NEW YCRK'S SUBWAYS WAS THE LOWEST, FALLING BELOW THAT 1 BILLION MARK ON A YEARLY BASIS FOR THE FIRST TIME SINCE THESE TYPES OF STATISTICS REALLY BEGAN TO BE COMPILED IN 1940.

IF WE DO NOT MOVE TO MAKE TRANSIT SAFE, RIDERSHIP FIGURES WILL CONTINUE TO PLUMMET AND GOVERNMENTAL DOLLARS WOULD HAVE BEEN WASTED.

NONDEPARTMENTAL WITNESSES

STATEMENT OF EDWARD J. KOCH, MAYOR OF THE CITY OF NEW YORK

Senator D'AMATO. I will call upon our first witness, the Honorable Edward I. Koch, and I will say for the record he has not made available to me a copy of the book that he has written. I haven't seen it and when I asked him about it today he said, "Senator, you'll have to buy it when it comes out."

Mayor KOCH. Although I think a copy has to be filed with the Library of Congress, so it will be available to you.

Senator D'AMATO. When will your book be published, may I ask?

Mayor KOCH. I honestly don't know the date, but I'm sure that it will be shortly.

Senator D'AMATO. Mr. Mayor?

Mayor KOCH. Mr. Chairman, I have a brief text. I'd like to refer to it simply because it has a lot of facts in it and I don't want to leave them out.

I appreciate the opportunity to appear before you and I want to commend you, as I have on many occasions, for all that you've done in helping the city and the State of New York on a whole host of matters, but in particular mass transit in the capital area of Federal funding, and trying as hard as you can and, successfully, as it relates to operating assistance as well. Your endeavors here as they relate to dealing with crime, are particularly appreciated, because reduction of crime on the subways is of paramount importance in revitalizing the transit system.

Now, I've worked with many city officials to address this issue and together we've established a broad range of innovative programs, many of which, I believe, contributed to the decline of crime on the subways this past year. Felonies alone were down 11 percent in 1983 as compared with 1982.

I want to say at this point that while we always want to improve and there is much to improve, we do not want to give erroneous impression to people that the use of the subway system is dangerous and to be avoided. Just the contrary. The fact is that there are more cops as relates to subway crime proportionately than we have on the streets of the city, but one crime is one crime too much and it is a question of perception and the nature of the system, since you are down underground, that adds to anxiety. But we don't want to give people a misconception that the subway system is dangerous per se. It is not. We are proud of our system. It can be made better, it will be made better.

Despite our efforts thus far, a great deal more needs to be done to improve both the actual and perceived security in the subway system. When a crime is committed in such a confined space as our stations

and trains, it has a greater emotional impact upon the victim than a crime committed on the sidewalks of the city.

ENLARGEMENT OF TRANSIT POLICE FORCE

One thing that makes a rider more confident is a police presence. The transit police force is funded entirely with city dollars. There are no Federal dollars; there are no State dollars; we fund it all. Over the past 3 fiscal years the city has enlarged the transit police force by 800 police officers through increased city appropriations, so that there now are approximately 3,300 officers on duty.

By June 1984 the force will include 3,636 officers, the largest complement ever in the history of the transit police department. This city will have spent the total of \$775 million for fiscal years 1979 through 1984 to provide police protection in the subways.

With an increased number of officers, Transit Police Chief Jimmy Meehan, who is here, has been able to initiate new anticrime programs for eliminating specific illegal activities and increasing the nighttime train coverage.

Efforts to strengthen the effectiveness of the transit police force and improve their ability to fight crime have gone beyond the addition of new officers. In December 1980, the transit police began using experimental canine patrols on the subways. The 18 man-dog teams currently on patrol have proven to be so successful in deterring crime and in enhancing subway security that the city's police department, that is the NYPD, is now using canine teams to patrol Central Park. The transit police canine program will be enlarged over the next 2 years to include 50 canine teams.

The focus on increasing the presence of security agents in our underground has not ended here. Subway stations now enjoy the added protection provided by the auxiliary police. In October 1981 I asked that the use of auxiliary police be extended into the subway stations that had never been done before. Since then over 4,000 individuals have been trained to serve as auxiliary police. Each of these radio equipped individuals serves as an extra pair of eyes for all of us.

Other recent initiatives have served to maximize attention to transit arrests by police, prosecuting attorneys, and the judges. In the spring of 1982 I suggested that the transit police conduct intensive boroughwide subway sweeps to apprehend everyone found breaking the law on the transit system on that particular occasion. I must tell you when I suggested it people—I won't say laughed, but they discounted its effectiveness. Now, the professionals believe it's one of our most effective tools.

A total of 6,863 transit offenders have been apprehended in the first 13 transit sweeps. A 14th sweep was conducted just yesterday in Brooklyn. Most individuals apprehended during sweeps are given summonses requiring them to return to court for a later hearing. And that is because most of them are farebeaters and not engaged in what you would refer to as a serious crime. A formal arrest is made when the offender has committed a serious misdemeanor or a felony or has one or

more outstanding warrants, and that would be where he was a fare-beater and given a summons and failed to appear, then he has a warrant out for him and if he is picked up the second time, as many of these people are, we arrest him and don't just give him a desk appearance. Over 1,300 individuals were arrested during the first 13 sweeps.

The New York City Criminal Justice Agency, a private not-for-profit group under contract with the city—we pay them—has been tracking the results of the sweep arrests. CJA has found that approximately 80 percent of the individuals arrested during a sweep have pled guilty to a misdemeanor offense. That's a very high percentage.

In 88 percent of the cases, where a defendant has pled guilty, some penalty was imposed. The defendant was either given the option of paying a fine or serving time, or a jail sentence was imposed or the defendant was placed on probation.

PROSECUTING TRANSIT CRIMINALS

In response to a joint request by the transit authority and the city of New York, the district attorneys of Brooklyn, Queens, the Bronx, and Manhattan established special units within their offices to prosecute transit criminals.

Also in 1982, the transit authority and the district attorneys of Brooklyn and the Bronx launched pilot programs for persons convicted of nonviolent transit offenses who otherwise may have been released without any penalty. The Manhattan district attorney and the transit authority established a similar program in Manhattan this past year. So we have three of them going now.

Qualifying violators are offered the option of cleaning graffiti from the inside of subway cars for one or more 8-hour periods on Saturdays as an alternative to other available penalties. I've been there. I know the program works.

Approximately 3,000 offenders have now successfully completed these programs and over 2,500 subway cars have been cleaned. The transit authority tells us that the rate of recidivism for individuals who successfully completed this program is .2 percent. I believe its key is that the people be punished, and like the Mikado said, "Let the punishment fit the crime." So in these first instances where you have them cleaning off the graffiti, we find that that is adequate punishment. If the measures that they take in terms of crime require that they do jail time, I believe it is essential that they do jail time.

We believe that additional measures are necessary to insure that transit offenders are penalized. And I have called for the creation of a new category of civil offense for farebeating and other nonviolent transit crimes. Summonses could then be returned to an administrative tribunal, as an alternative to the criminal court. This shift to a civil forum would make available civil remedies.

Let me explain that, Mr. Chairman, or Senator D'Amato: We have our own administrative tribunal which handles well over 300,000 cases. It might be double that, I don't have the exact figures. I don't want to

overstate it, but I know it was at least 300,000, for what we call environmental offenses. And we added a number of those that relate to the subways, the carrying of radios and other things that have been assigned to them, but most have not been assigned that occur in the subway system and they now go to a court. And while we are very appreciative of what the court has done in many of these cases that come through the sweeps, we know that the courts feel overburdened when the police, during the course of the day on their regular operation have to make arrests or, in more likely cases, issue summonses, and the courts are not disposing of them with as heavy penalties as the administrative tribunal that we have, and for understandable reasons. They have a lot of people engaged in assault, they want to spend the time on that as opposed to these other less consequential actions. So we have proposed that there be a new administrative tribunal, comparable to ours, but run by the MTA, and it does the following, Mr. Chairman, that most people are unaware of: If you don't appear in a criminal action before the criminal court, other than issuing a warrant, the judge can't do anything. And there are lots of people for whom warrants are issued who never get back into court and we don't have enough police officers to go out and to execute every one of those warrants. But when you come before the administrative tribunal, and if you don't appear, then a civil default judgment can be taken against you, and then, in many cases, we are able to go out and levy against your property and to exact a fine, which is really another form of punishment. So we are for that.

The handling of summonses in the criminal court has proven, as I've said, to be inadequate. Transit summonses account for about one-half of the entire caseload of the criminal summons part. In 1983 the transit police issued approximately 390,000 summonses returnable to the criminal court, a substantial portion of which were for farebeating.

Eighty-four percent of the individuals issued farebeating summonses returnable to criminal court did not answer and were not pursued. Arrest warrants are the only remedy available against someone who has defaulted on a summons, and they are, for understandable reasons, not always issued and not always executed.

Of the 16 percent that answered the farebeating summonses in the court, two-thirds received fines. Virtually no one ever goes to jail. The average fine imposed was \$10.37; the average revenue per summons issued was \$1.18. Other transit offenses sent to criminal court have a similar fate.

Experience has shown that we can do far better with a civil forum. Since mid-1980 the City Environmental Control Board has been adjudicating smoking, spitting, littering, and sound device violations. Statistics comparing the first 6 months that the transit offenses of smoking and littering were adjudicated in the Environmental Control Board with a 6-month period 1 year earlier in the criminal court, indicate that revenue per summons issued improved 840—it's an astronomical figure—percent for littering summonses and 540 percent for smoking sum-

monses, and the number of respondents defaulting dropped 13.1 percent for littering summonses and 10 percent for smoking summonses.

I believe that an administrative tribunal for farebeating and other transit offenses would provide for a similarly dramatic improvement in the adjudication of other transit violations. Now, we believe that such a program is an excellent candidate for Federal funds because it costs money to run such a tribunal.

Each of the initiatives that I have discussed thus far are aimed at reducing crime by strengthening our criminal justice system. I would like to take a few minutes now to discuss what I view to be a creative measure with a somewhat different approach to increasing security, both actual and perceived, in the subway system.

TRUANCY OUTREACH PROGRAM

The Times Square subway station and its aboveground environs is one of the areas in New York City most heavily frequented by truants. In a cooperative effort, the New York City Board of Education and the city of New York Transit and Port Authority Police established a Times Square truancy outreach program in February 1983. Its purpose is to return truants to their schools and refer youngsters to appropriate social service agencies for assistance. In just the first year of the program, Mr. D'Amato, 10,400 truants were picked up.

Another cooperative program between the city and the transit authority that has been highly successful is an outreach program for homeless persons who have taken refuge within the subway system. The city's Human Resource Administration has reported that from the inception of the program in March 1982 through November 1983, approximately 11,200 homeless persons were contacted by the outreach teams. Of those 6,500 accepted services at a family and adult services facility. As with the Times Square truancy outreach program, this program serves a dual purpose. It provides assistance to the person for whom the outreach is aimed, while at the same time removes from the subway station individuals that may be viewed as potential threats to subway users.

REDUCING VANDALISM

Feelings of insecurity are also invoked by the physical environment of our stations and our subway cars. Graffiti and vandalism problems have continued to plague the system. A sustained funding source is necessary to stem those problems.

There is no one more interested than I am or than you are in protecting our capital investment. With \$17.5 million provided by the city, the transit authority has been able to build security fences around all of the 19 layup yards to safeguard the subway cars that are now stored there.

But, Mr. Chairman, due to the limited size of those yards, 40 percent of the cars continue to be laid up outside those secure areas and they are the cars that are subject to that vandalism. Several steps are being taken to address the problem: The transit police department, through its 30-person antivandalism unit, is making a special effort to monitor

the areas. And David Gunn, the new transit authority president has told me, as has Chairman Kiley, that they will also have roving patrols and that those roving patrols will spend more time policing these open track areas where 40 percent of the cars now are stored.

Capital projects are being designed by the transit authority to help reduce the vandalism of trains stored along main lines during rush hours. And as part of a pilot project, one of the underground layup areas will be equipped with an electronic alarm and surveillance systems and sodium vapor lighting to increase visibility.

I'd like to file the balance of my statement, which is chock full of facts, and to take your questions.

Senator D'AMATO. Mr. Mayor, let me say that it's easy to criticize the transit system and there are many who only criticize; however, it's another matter to recognize the problem, as do we and other concerned people, and then ask, "What can we and what will we do to improve the situation?" Because as I've said before, I believe that the capital investment of the city, the MTA, and the Federal Government is at risk.

We cannot afford to see a deterioration both in service and ridership and an increase in the rate of crime. As you've said the crime rate has begun to improve. I think that's important and I think we should continue to intensify efforts to make the subway system one from which criminals stay away. I commend you on the sweeps and I think their success indicates that more sweeps should be made.

I will be supporting your transit tribunal and I think it is an excellent candidate for the demonstration projects under section 6. Since UMTA administrator, Mr. Stanley, is here, I will ask him to make a comment on this matter. While it would be unfair for me to solicit a commitment without providing Mr. Stanley with the exact details and specifications, I hope that we will be able to hear his opinion on whether this is the kind of project that would qualify.

In addition, with respect to the enlargement of the transit police canine program, I think that also is an area which may be eligible for some Federal funding.

When my legislation is introduced, I will endeavor to get the entire New York delegation to sign on, and I will appreciate it if you will use your good offices to help convince them to provide their support for transit crime prevention.

But I have no questions, Mr. Mayor, except to say that if you could send me a copy of your book a little earlier, I'd appreciate it.

Mayor KOCH. You're in it.

PREPARED STATEMENT

Senator D'AMATO. Thank you, Mr. Mayor. We have your prepared statement and it will be inserted in the record.

Mayor KOCH. Thank you.

[The statement follows:]

STATEMENT OF MAYOR EDWARD I. KOCH

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU THIS MORNING TO TALK ABOUT SECURITY ON NEW YORK CITY'S SUBWAYS. I AM PLEASED THAT THIS SUBCOMMITTEE HAS TAKEN THE INITIATIVE TO FOCUS ATTENTION ON SO CRITICAL A TOPIC.

REDUCTION OF CRIME ON THE SUBWAYS IS OF PARAMOUNT IMPORTANCE IN REVITALIZING THE TRANSIT SYSTEM. I HAVE WORKED WITH MANY CITY OFFICIALS TO ADDRESS THIS SENSITIVE ISSUE. TOGETHER WE HAVE ESTABLISHED A BROAD RANGE OF INNOVATIVE PROGRAMS, MANY OF WHICH I BELIEVE CONTRIBUTED TO THE DECLINE OF CRIME ON THE SUBWAYS THIS PAST YEAR. FELONIES ALONE WERE DOWN 11% IN 1983 AS COMPARED WITH 1982.

DESPITE OUR EFFORTS THUS FAR, A GREAT DEAL MORE NEEDS TO BE DONE TO IMPROVE BOTH THE ACTUAL AND PERCEIVED SECURITY IN THE SUBWAY SYSTEM. WHEN A CRIME IS COMMITTED IN SUCH A CONFINED SPACE AS OUR STATIONS AND TRAINS, IT HAS A GREATER EMOTIONAL IMPACT UPON THE VICTIM THAN A CRIME COMMITTED ON THE SIDEWALKS OF THIS CITY.

ONE THING THAT MAKES A RIDER MORE CONFIDENT IS A POLICE PRESENCE. THE TRANSIT POLICE FORCE IS FUNDED ENTIRELY WITH CITY DOLLARS. OVER THE PAST THREE FISCAL YEARS, THE CITY HAS ENLARGED THE TRANSIT POLICE FORCE BY 800 OFFICERS THROUGH INCREASED CITY APPROPRIATIONS, SO THAT NOW THERE ARE APPROXIMATELY 3,300 OFFICERS.

BY JUNE OF 1984 THE FORCE WILL INCLUDE 3,636 OFFICERS, THE LARGEST COMPLEMENT EVER IN THE HISTORY OF THE TRANSIT POLICE DEPARTMENT. THE CITY WILL HAVE SPENT A TOTAL OF \$775.2 MILLION FOR FISCAL YEARS 1979 THROUGH 1984 TO PROVIDE POLICE PROTECTION IN THE SUBWAYS.

WITH AN INCREASED NUMBER OF OFFICERS, TRANSIT POLICE CHIEF JIM MEEHAN HAS BEEN ABLE TO INITIATE NEW ANTI-CRIME PROGRAMS FOR ELIMINATING SPECIFIC ILLEGAL ACTIVITIES AND INCREASING NIGHT TIME TRAIN COVERAGE.

EFFORTS TO STRENGTHEN THE EFFECTIVENESS OF THE TRANSIT POLICE FORCE AND IMPROVE THEIR ABILITY TO FIGHT CRIME HAVE GONE BEYOND THE ADDITION OF NEW OFFICERS. IN DECEMBER OF

1980, THE TRANSIT POLICE BEGAN USING EXPERIMENTAL CANINE PATROLS ON THE SUBWAYS. THE EIGHTEEN (18) MAN-DOG TEAMS CURRENTLY ON PATROL HAVE PROVEN TO BE SO SUCCESSFUL IN DETERRING CRIME AND IN ENHANCING SUBWAY SECURITY THAT THE CITY'S POLICE DEPARTMENT (NYPD) IS NOW USING CANINE TEAMS TO PATROL CENTRAL PARK. THE TRANSIT POLICE CANINE PROGRAM WILL BE ENLARGED OVER THE NEXT TWO YEARS TO INCLUDE FIFTY (50) CANINE TEAMS.

THE FOCUS ON INCREASING THE PRESENCE OF SECURITY AGENTS IN OUR UNDERGROUND HAS NOT ENDED HERE. SUBWAY STATIONS NOW ENJOY THE ADDED PROTECTION PROVIDED BY THE AUXILIARY POLICE. IN OCTOBER 1981, I ASKED THAT THE USE OF AUXILIARY POLICE BE EXTENDED INTO SUBWAY STATIONS. SINCE THEN, OVER 4,000 INDIVIDUALS HAVE BEEN TRAINED TO SERVE AS AUXILIARIES IN TRANSIT PATROLS. EACH OF THESE RADIO EQUIPPED INDIVIDUALS SERVE AS AN EXTRA PAIR OF EYES FOR ALL OF US.

OTHER RECENT INITIATIVES HAVE SERVED TO MAXIMIZE ATTENTION TO TRANSIT ARRESTS BY POLICE, PROSECUTING ATTORNEYS AND JUDGES. IN THE SPRING OF 1982, I SUGGESTED THAT THE

TRANSIT POLICE CONDUCT INTENSIVE BOROUGH-WIDE SUBWAY SWEEPS TO APPREHEND EVERYONE FOUND BREAKING THE LAW ON THE TRANSIT SYSTEM.

6,863 TRANSIT OFFENDERS HAVE BEEN APPREHENDED IN THE FIRST THIRTEEN TRANSIT SWEEPS. A FOURTEENTH SWEEP WAS CONDUCTED JUST YESTERDAY IN BROOKLYN. MOST INDIVIDUALS APPREHENDED DURING SWEEPS ARE GIVEN SUMMONSES REQUIRING THEM TO RETURN TO COURT FOR A LATER HEARING. A FORMAL ARREST IS MADE WHEN THE OFFENDER HAS COMMITTED A SERIOUS MISDEMEANOR OR A FELONY, HAS ONE OR MORE OUTSTANDING WARRANTS, OR HAS REFUSED TO OR COULD NOT PROVIDE PROPER IDENTIFICATION. OVER 1,300 INDIVIDUALS WERE ARRESTED DURING THE FIRST THIRTEEN SWEEPS.

THE NEW YORK CITY CRIMINAL JUSTICE AGENCY, A PRIVATE NOT-FOR-PROFIT GROUP UNDER CONTRACT WITH THE CITY, HAS BEEN TRACKING THE RESULTS OF THE SWEEP ARRESTS. CJA HAS FOUND THAT APPROXIMATELY 80% OF THE INDIVIDUALS ARRESTED DURING A SWEEP HAVE PLED GUILTY TO A MISDEMEANOR OFFENSE.

IN 98% OF THE CASES WHERE A DEFENDANT HAS PLED GUILTY SOME PENALTY WAS IMPOSED. THE DEFENDANT WAS EITHER GIVEN THE OPTION OF PAYING A FINE OR SERVING TIME, OR A JAIL SENTENCE WAS IMPOSED, OR THE DEFENDANT WAS PLACED ON PROBATION.

IN RESPONSE TO A JOINT REQUEST BY THE TRANSIT AUTHORITY AND THE CITY, THE DISTRICT ATTORNEYS OF BROOKLYN, QUEENS, THE BRONX AND MANHATTAN ESTABLISHED SPECIAL UNITS WITHIN THEIR OFFICES TO PROSECUTE TRANSIT CRIMINALS.

ALSO IN 1982, THE TRANSIT AUTHORITY AND THE DISTRICT ATTORNEYS OF BROOKLYN AND THE BRONX LAUNCHED A PILOT PROGRAM FOR PERSONS CONVICTED OF NON-VIOLENT TRANSIT OFFENSES WHO OTHERWISE MAY HAVE BEEN RELEASED WITHOUT ANY PENALTY. THE MANHATTAN DISTRICT ATTORNEY AND THE TRANSIT AUTHORITY ESTABLISHED A SIMILAR PROGRAM IN MANHATTAN THIS PAST YEAR.

QUALIFYING VIOLATORS ARE OFFERED THE OPTION OF CLEANING GRAFFITI FROM THE INSIDE OF SUBWAY CARS FOR ONE OR MORE EIGHT HOUR PERIODS ON SATURDAYS AS AN ALTERNATIVE TO OTHER AVAILABLE PENALTIES.

APPROXIMATELY 3,000 OFFENDERS HAVE NOW SUCCESSFULLY COMPLETED THIS PROGRAM AND OVER 2,500 CARS HAVE BEEN CLEANED. THE TRANSIT AUTHORITY TELLS US THAT THE RATE OF RECIDIVISM FOR INDIVIDUALS WHO SUCCESSFULLY COMPLETED THIS PROGRAM IS 0.29.

WE BELIEVE THAT ADDITIONAL STEPS ARE NECESSARY TO ENSURE THAT TRANSIT OFFENDERS ARE PENALIZED. I HAVE CALLED FOR THE CREATION OF A NEW CATEGORY OF CIVIL OFFENSE FOR FAREBEATING AND OTHER NON-VIOLENT TRANSIT CRIMES. SUMMONSES COULD THEN BE RETURNED TO AN ADMINISTRATIVE TRIBUNAL, AS AN ALTERNATIVE TO CRIMINAL COURT. THIS SHIFT TO A CIVIL FORUM WOULD MAKE AVAILABLE CIVIL REMEDIES.

THE HANDLING OF TRANSIT SUMMONSES IN CRIMINAL COURT HAS PROVEN TO BE WHOLLY INADEQUATE. TRANSIT SUMMONSES ACCOUNT FOR ABOUT HALF OF THE ENTIRE CASELOAD OF THE CRIMINAL SUMMONS PART. IN 1983 THE TRANSIT POLICE ISSUED APPROXIMATELY 390,000 SUMMONSES RETURNABLE TO CRIMINAL COURT, A SUBSTANTIAL PORTION OF WHICH WERE FOR FAREBEATING.

EIGHTY-FOUR PERCENT (84%) OF THE INDIVIDUALS ISSUED FAREBEATING SUMMONSES RETURNABLE TO CRIMINAL COURT DID NOT

ANSWER, AND WERE NOT PERSUED. ARREST WARRANTS ARE THE ONLY REMEDY AVAILABLE AGAINST SOMEONE WHO HAS DEFAULTED ON A SUMMONS, AND THEY ARE RARELY ISSUED.

OF THE 16% THAT ANSWER THE FAREBEATING SUMMONSES IN CRIMINAL COURT, TWO-THIRDS RECEIVED FINES; VIRTUALLY NO ONE EVER GOES TO JAIL. THE AVERAGE FINE IMPOSED WAS \$10.37; THE AVERAGE REVENUE PER SUMMONS ISSUED WAS \$1.18. OTHER TRANSIT OFFENSES SENT TO CRIMINAL COURT HAVE A SIMILAR FATE.

EXPERIENCE HAS SHOWN THAT WE CAN DO FAR BETTER WITH A CIVIL FORUM. SINCE MID-1980, THE CITY ENVIRONMENTAL CONTROL BOARD HAS BEEN ADJUDICATING SMOKING, SPITTING, LITTERING AND SOUND DEVICE VIOLATIONS. STATISTICS COMPARING THE FIRST SIX MONTHS THAT THE TRANSIT OFFENSES OF SMOKING AND LITTERING WERE ADJUDICATED IN THE ENVIRONMENTAL CONTROL BOARD WITH A SIX MONTH PERIOD ONE YEAR EARLIER IN CRIMINAL COURT, INDICATE THAT REVENUE PER SUMMONS ISSUED IMPROVED 840% FOR LITTERING SUMMONSES AND 540% FOR SMOKING SUMMONSES. THE NUMBER OF RESPONDENTS DEFAULTING DROPPED 13.1% FOR LITTERING SUMMONSES AND 10% FOR SMOKING SUMMONSES.

I BELIEVE THAT AN ADMINISTRATIVE TRIBUNAL FOR FAREBEATING AND OTHER TRANSIT OFFENSES WOULD PROVIDE FOR A SIMILARLY DRAMATIC IMPROVEMENT IN THE ADJUDICATION OF OTHER TRANSIT VIOLATIONS. WE BELIEVE THAT THIS PROGRAM IS AN EXCELLENT CANDIDATE FOR FEDERAL FUNDS.

EACH OF THE INITIATIVES THAT I HAVE DISCUSSED THUS FAR ARE AIMED AT REDUCING CRIME BY STRENGTHENING OUR CRIMINAL JUSTICE SYSTEM. I WOULD LIKE TO TAKE A FEW MINUTES NOW TO DISCUSS WHAT I VIEW TO BE CREATIVE MEASURES WITH A SOMEWHAT DIFFERENT APPROACH TO INCREASING SECURITY -- BOTH ACTUAL AND PERCEIVED -- IN THE SUBWAY SYSTEM.

THE TIMES SQUARE SUBWAY STATION AND ITS ABOVE GROUND ENVIRON IS ONE OF THE AREAS IN NEW YORK CITY MOST HEAVILY FREQUENTED BY TRUANTS. IN A COOPERATIVE EFFORT, THE NEW YORK CITY BOARD OF EDUCATION AND THE CITY, TRANSIT AND PORT AUTHORITY POLICE ESTABLISHED A TIMES SQUARE TRUANCY OUTREACH PROGRAM IN FEBRUARY OF 1983. ITS PURPOSE IS TO RETURN TRUANTS TO THEIR SCHOOLS AND REFER YOUNGSTERS TO APPROPRIATE SOCIAL SERVICE AGENCIES FOR ASSISTANCE. IN JUST THE FIRST YEAR OF THE PROGRAM, 10,400 TRUANTS WERE PICKED UP.

ANOTHER COOPERATIVE PROGRAM BETWEEN THE CITY AND THE TRANSIT AUTHORITY THAT HAS BEEN HIGHLY SUCCESSFUL IS AN OUTREACH PROGRAM FOR HOMELESS PERSONS WHO HAVE TAKEN REFUGE WITHIN THE SUBWAY SYSTEM. THE CITY'S HUMAN RESOURCE ADMINISTRATION HAS REPORTED THAT, FROM THE INCEPTION OF THE PROGRAM IN MARCH OF 1982 THROUGH NOVEMBER OF 1983, APPROXIMATELY 11,200 HOMELESS PERSONS WERE CONTACTED BY OUTREACH TEAMS. OF THESE, 6,500 ACCEPTED SERVICES AT A FAMILY AND ADULT SERVICES FACILITY. AS WITH THE TIMES SQUARE TRUANCY OUTREACH PROGRAM, THIS PROGRAM SERVES A DUAL PURPOSE. IT PROVIDES ASSISTANCE TO THE PERSON FOR WHOM THE OUTREACH IS AIMED, WHILE AT THE SAME TIME REMOVES FROM THE SUBWAY STATION INDIVIDUALS THAT MAY BE VIEWED AS POTENTIAL THREATS TO SUBWAY USERS.

FEELINGS OF INSECURITY ARE ALSO INVOKED BY THE PHYSICAL ENVIRONMENT OF OUR STATIONS AND SUBWAY CARS. GRAFFITI AND VANDALISM PROBLEMS HAVE CONTINUED TO PLAGUE THE SYSTEM. A SUSTAINED FUNDING SOURCE IS NECESSARY TO STEM THESE PROBLEMS.

THERE IS NO ONE MORE INTERESTED THAN ME IN PROTECTING OUR CAPITAL INVESTMENT. WITH \$17.5 MILLION PROVIDED BY THE CITY,

THE TRANSIT AUTHORITY HAS BEEN ABLE TO BUILD SECURE FENCES AROUND ALL NINETEEN (19) OF THEIR LAY-UP YARDS TO SAFEGUARD THE SUBWAY CARS STORED THERE.

DUE TO THE LIMITED SIZE OF THESE YARDS, 40% OF THE CARS CONTINUE TO BE LAYED UP OUTSIDE THESE SECURE AREAS, AND SUBJECT TO VANDALISM. SEVERAL STEPS ARE BEING TAKEN TO ADDRESS THIS PROBLEM. THE TRANSIT POLICE DEPARTMENT, THROUGH ITS THIRTY PERSON ANTI-VANDALISM UNIT, IS MAKING A SPECIAL EFFORT TO MONITOR THESE AREAS. DAVID GUNN, THE NEW TRANSIT AUTHORITY PRESIDENT, HAS TOLD ME THAT HE WILL ALSO HAVE ROVING PATROLS SPEND MORE TIME POLICING OPEN STORAGE AREAS.

CAPITAL PROJECTS ARE BEING DESIGNED BY THE TRANSIT AUTHORITY TO HELP REDUCE THE VANDALISM OF TRAINS STORED ALONG MAIN LINES FOR USE DURING RUSH HOURS. AS PART OF A PILOT PROJECT, ONE OF OUR UNDERGROUND LAY-UP AREAS WILL BE EQUIPPED WITH ELECTRONIC ALARM AND SURVEILLANCE SYSTEMS AND SODIUM VAPOR LIGHTING TO INCREASE VISIBILITY.

THE TRANSIT AUTHORITY IS NOW BUILDING PASSENGER SAFETY INTO ITS MODERNIZATION PROGRAM WITH SPECIFIED WAITING AREAS

AND ANNOUNCEMENTS OF WHEN A TRAIN IS COMING. 428 OFF-HOUR-WAITING AREAS ARE UNDER CONSTRUCTION IN 340 STATIONS, AND DESIGN IS UNDERWAY FOR MORE. 209 OF THESE OFF-HOUR-WAITING AREAS ARE CITY FUNDED.

THE ILLEGAL USE OF SLAMGATES TO EVADE THE FARE HAS BEEN A SIGNIFICANT PROBLEM FOR THE TRANSIT AUTHORITY. FAREBEATING COSTS THE TRANSIT AUTHORITY SOMEWHERE BETWEEN \$30 MILLION AND \$50 MILLION A YEAR. IT ALSO ENABLES INDIVIDUALS INTENT UPON COMMITTING CRIMES TO DO SO IN THE SUBWAY SYSTEM. IF WE COULD FIND A WAY WITH FEDERAL DOLLARS TO SECURE OUR GATEWAYS INTO THE SYSTEM THIS WOULD GO A LONG WAY TOWARD BRINGING DOWN COSTS AND KEEPING OUT OFFENDERS.

THE TRANSIT POLICE CONDUCTED A SECURITY SURVEY IN ALL OF THE STATIONS TO IDENTIFY OTHER WAYS TO IMPROVE SECURITY. \$15 MILLION WORTH OF IMPROVEMENTS WERE RECOMMENDED IN THE SURVEY, INCLUDING SUCH MEASURES AS PARABOLIC MIRROR INSTALLATIONS, CUL-DE-SAC REMOVAL, INSTALLATION OF INFORMATION SIGNS, REMOVAL OF BLIND CORNERS, VANDAL RESISTENT LIGHTING, AND ANNUNCIATORS.

A SMALL PORTION OF THESE RECOMMENDATIONS ARE ADDRESSED IN THE METROPOLITAN TRANSPORTATION AUTHORITY'S FIVE YEAR CAPITAL

PLAN. A FUNDING SOURCE IS REQUIRED FOR THE REMAINING MEASURES. THIS IS ANOTHER AREA WHERE FEDERAL DOLLARS WOULD BE WELL SPENT.

WE HAVE AN UPHILL BATTLE TO CONFIRM OUR CONTROL IN THE SYSTEM AND TO END THE FEELING THAT CRIME IS TOO OFTEN COMMITTED IN OUR SUBWAYS WITH IMPUNITY. WE HAVE MADE PROGRESS, AS EVIDENCED BY THE REDUCTION IN CRIME IN 1983. THIS WAS DONE BY THE INFUSION OF ADDITIONAL POLICE, THEIR AGGRESSIVE DEPLOYMENT, BETTER CASE DISPOSITION BY THE DISTRICT ATTORNEYS AND COURTS, AND PHYSICAL IMPROVEMENTS TO OUR STATIONS.

IT IS GOING TO TAKE TIME AND MORE INVESTMENTS BEFORE THE DESIRABLE LEVEL OF SECURITY -- AND FEELING OF SECURITY -- IS OBTAINED. THE FEDERAL GOVERNMENT SHOULD PROVIDE ASSISTANCE FOR BOTH CAPITAL INVESTMENT AND PROGRAMATIC INITIATIVES. IT IS IMPORTANT THAT NEW MONEY BE PROVIDED -- MONEY THAT WOULD NOT OTHERWISE BE AVAILABLE FOR USE IN THE TRANSIT SYSTEM.

WITH YOUR HELP WE CAN SECURE OUR SYSTEM AGAINST THOSE
INTENT UPON COMMITTING CRIME; WE CAN REMOVE PLACES OF CRIMINAL
OPPORTUNITY IN OUR STATIONS; AND, WE CAN BETTER PROSECUTE
THOSE WHO COMMIT CRIME. WE CAN ALSO RESTORE THE PUBLIC'S
RESPECT FOR THE SYSTEM'S PHYSICAL PROPERTY AND THEIR FEELING
OF SECURITY.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

STATEMENT OF RALPH L. STANLEY, ADMINISTRATOR

Senator D'AMATO. Our second witness is Ralph Stanley, the Administrator of the Urban Mass Transportation Administration, for our mass transit systems throughout this Nation.

I want to thank Mr. Stanley who in his very short tenure has already participated in several hearings, toured our mass transit systems, and made himself as knowledgeable as possible. I deeply appreciate your concern for mass transit in general and for the problems that we have here in New York, in particular.

Mr. STANLEY. Thank you very much, Senator.

I'm very pleased to be here. If I could I'd like to make a brief opening statement and then answer your questions.

Senator D'AMATO. Certainly.

Mr. STANLEY. I appreciate the opportunity to address this committee on the subject of crime in mass transit and particularly transit crime in the New York metropolitan area. I am accompanied this morning by Kent Woodman, Chief Counsel of the Urban Mass Transportation Administration.

In addition to the obvious costs associated with the personal harm incurred by victims of crime, the compensation of these victims, and the financial loss due to the physical damage to the systems, crime and vandalism on public transit systems in our Nation's major urban areas takes a significant toll by contributing to a public perception that public transit is unsafe. Where this perception is strong it decreases willingness on the part of the public to use transit systems. Consequently, these systems become less effective.

On the basis of all available information, we can conclude that the costs of crime and vandalism are substantial. The national information on the total volume and impact of crime within urban transit systems across the country is inadequate both in quality and quantity to draw more detailed conclusions.

Due to the sheer size of the system it operates, the New York City Transit Authority faces problems of far greater magnitude than any other system. Between 3.4 and 3.5 million passengers ride New York subways and buses every day. In 1981, 15,295 violent crimes were committed on New York subways and another 15,368 were committed in 1982. Although these statistics decreased to an estimated 13,624 in 1983, the problem remains severe.

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FEDERAL ROLE IN TRANSIT SYSTEM SECURITY

As Administrator of UMTA, I am concerned both about the actual level of security on transit systems and, of equal importance, the public perception of transit system safety. The question here, as in many other areas, is what is the appropriate Federal role. Federal involvement in transit security has been in two basic areas: Capital assistance related to security programs from sections 3 and 9, and technical assistance from the section 6 program. I do, however, want to emphasize from the outside that the prime responsibility for controlling public transit crime is local. The primary responsibility for addressing crime-related problems necessarily lies with those transit authorities responsible for the day-to-day operations of the affected transit systems. The operation of a transit system requires an authority to consider and weigh the priority of numerous competing factors. Security is only one of these many factors. UMTA is not in a position now, nor should it be placed in a position, to determine just what steps an authority should take to improve security.

The NYCTA has taken a number of actions designed to alleviate its crime problem. UMTA has participated in many of these projects through its section 3 discretionary capital grant program. While it is difficult to identify those projects solely as security measures, because most activities which would increase security tend to have other transit-related benefits, the fiscal years 1982 and 1983, section 3 projects in New York related to security, exceeded \$81 million. These projects included 19 station modernizations, totaling \$54.2 million; security fencing for 18 rail yards, totaling \$16.7 million; station lighting modernization, totaling \$5 million; and off-hours waiting areas, in 119 stations, totaling \$5.3 million. Security is also an eligible activity for the approximately \$600 million apportioned to the New York metropolitan area under the section 9 formula grant program for fiscal year 1984.

Other examples of security related section 3 capital projects undertaken throughout the country include \$29 million for surveillance equipment, radios, security gates, booth security, and station lighting for the Chicago Transit Authority; \$500,000 for surveillance cameras for the Bay Area Rapid Transit Authority; \$10 million for radios, cameras, and bulletproof passenger shelters in Seattle; and \$11 million for a public address system and surveillance equipment for the Regional Transportation Authority in Chicago.

One of UMTA's longstanding objectives has been to provide technical assistance to improve the quality of transit service. The improvement of transit system security is an important component. Through its safety and security program UMTA provides technical assistance to State and local governments, as well as transit authorities, in the form of security training, research into security problems identified by the transit industry, and peer reviews. Preventative security activities are further emphasized through a dissemination and exchange of information to transit operators.

SECTION 6 PROJECTS

I would like to take this opportunity to outline some of the specific projects which we have participated in to date in the section 6 program:

In January 1983, UMTA participated in a security peer review organized by UMTA and the Southern California Rapid Transit District at SCRTD's metro rail project in Los Angeles. During a 2-day session period a Security Peer Review Board, composed of representatives of four transit authorities, the Washington Metropolitan Area Transit Authority, the Metropolitan Atlanta Regional Transit Authority, NYCTA, and the Bay Area Rapid Transit reviewed the design and operations requirements set forth in a draft report that had been prepared by SCRTD on security criteria. That session was also attended by representatives of UMTA, SCRTD, the American Public Transportation Association, the Los Angeles Police Department, Los Angeles County Sheriff's Department, and the California Public Utilities Commission. The contributions of transit operators experienced in rail security problems has been extremely valuable to SCRTD. UMTA encourages every new rail system under construction to follow SCRTD's lead and conduct those peer reviews for all phases of construction and operation.

In Miami, with the help of an UMTA demonstration grant of \$600,000, that city implemented a surveillance program in June 1982 in an attempt to reduce crime on the bus system. The program relied primarily on undercover police officers and electronic surveillance. Since 1980, the number of reported transit crime incidences has decreased by approximately 57 percent. Much of the credit for that decrease must be given to that decoy surveillance program. In the third quarter of 1983 alone 157 arrests were made by undercover police officers. To date a 100-percent conviction rate of these decoy arrests has occurred.

I'd say the Miami project has generated interest from transit agencies throughout the Nation as an effective deployment technique for policing transportation systems. In October 1980 UMTA sponsored a national conference on mass transit crime and vandalism conducted by the New York State Senate Committee on Transportation. Numerous panel sessions were held and over 250 representatives from throughout the United States and Canada participated. Participants represented a wide variety of backgrounds and occupations, such as the judicial system, State and local elected officials, transit managers, transit police, transit labor unions, manufacturers and suppliers, consultants, citizens groups, and Federal, State, and local governments.

We've also developed transit security guidelines which were published by APTA in 1979. These guidelines were a compendium of the best practices in several areas in transit security, ranging from a definition of transit security to organizing and operating a transit security department. Those guidelines have been generally prepared to serve as a basis for any transit authority's security effort. They may be used to strengthen an existing transit system's operation or as a planning document for the development of a new system's security operations.

In 1978 a closed circuit television surveillance system was installed at the Beach and 116th Street in Rockaway Beach by NYCTA with financial assistance provided from the UMTA section 6 program. That installation was part of an experiment to determine the effect that such a surveillance would have on the perceived security of transit riders as it relates to their decision to use the transit system. NYCTA installed eight cameras and audio sensors, monitors, and a time lapse video recording system, as well as a time data encoding system.

From the information collected, NYCTA concluded the presence of such a system had a positive impact on those patrons concerned about security. That experiment also showed that such a system could be a useful extension of the limited police presence in detecting and controlling low-level crime, such as loitering, vagrancy, harassment, and rowdiness, which is a major contributor to the perceived public perception of transit security problems.

UMTA also conducts a quarterly security training program for transit operators and State and local governments. Since 1977 UMTA has offered this program to 1,901 participants. The purpose of the course is to increase the participants' knowledge of current mass transportation security problems and assist these participants in their ability to establish priorities in security and thereby maximize limited resources, to identify which security problems are subject to control, to develop better policing strategies, to formulate contingency plans for the rapid mobilization of their resources and equipment, to cope effectively with serious crimes, accidents, and disasters, and to evaluate the effectiveness of the overall security program for public transit operation.

Finally, UMTA is currently conducting a study to determine what transit crime information is being collected at the Federal, State, and local level; how the information is being used to develop countermeasures; and determining the feasibility of developing a national system for collecting transit crime information.

SECURITY OPERATING BUDGET

It is apparent that UMTA is limited in the assistance it can provide New York City or any other city due to our need to consider the systems throughout the Nation. New York's security operating budget is \$169 million for 1984. UMTA's safety and security technical assistance budget is \$2.8 million. In addition, the city of New York employs a transit police force of approximately 3,300, at a cost of \$150 million a year.

While the salaries of transit police in most systems that have transit police forces, is an element in those authorities' operating budgets, NYCTA transit police are paid directly by the city. I believe that this is New York's recognition that crime is primarily a local responsibility, whether that crime occurs in city streets or below those streets in its transit system. The efforts that UMTA has taken to date clearly indicate the importance we place on security. We'll continue to the extent possible to provide capital and technical assistance to New York and

elsewhere in the area of security, it is my sincere hope that with this assistance transit operators can improve the security of the Nation's public transit systems and enhance their ridership.

Thank you very much and I'll be glad to answer any questions.

Senator D'AMATO. Thank you very much, Mr. Stanley.

Again, I thank you for your consideration of the dimension of the transit crime problem, particularly in New York. However, I will make an observation: It seems to me that we cannot simply say that crime is a problem of local dimensions only. I understand, we all understand, that crime is a State and local primary responsibility, but on the other hand, it's an area that we're concerned with on the Federal level, vis-a-vis schools. We understand also that the Federal Government and the taxpayers have made a very substantial investment in billions of dollars' worth of equipment for mass transit systems. It seems to me that the Federal Government would make a prudent investment by providing funds which would enhance both rolling stock and ridership. Thus, I don't think we can ask the Federal Government, nor do I intend to in the legislation which I will be submitting, to undertake the massive financing of police protection or other basic services which should be paid for by local government. However, an appropriate Federal contribution should be made for crime prevention capital equipment to protect the Federal investment in mass transit.

In some of the areas that the mayor touched on, and which I am sure Mr. Kiley will mention, I believe we have an opportunity to do something in a most positive manner. As you have testified, there is only \$2.8 million in section 6 funds earmarked for safety and security demonstration projects. I will be requesting the chairman and others to substantially increase that \$2.8 million, because it makes good sense and it represents insurance to protect mass transit facilities, equipment, and rolling stock. It will also help in assuring that ridership does not decline, and safety, in terms of using demonstration projects that then will be funded by local municipalities, is enhanced.

SPENDING PLANS IN SECTION 6

Will you support an increase with respect to the allocation of those funds under section 6 specifically in the area of safety and security?

Mr. STANLEY. Since I have been the administrator I have had the opportunity to go over the spending plans in section 6 for safety and security and, as you know, Senator, Secretary Dole has made safety her top priority of the department. And I think within the ceiling of section 6's amount, while I couldn't commit to increasing the program as a whole, we'd be very willing to increase it as related to security and safety and look forward to working with the Senator.

Senator D'AMATO. So you would be willing to support an increased allocation for safety and security, within the program?

Mr. STANLEY. Yes; within the program.

Senator D'AMATO. Should UMTA withhold funds from transit properties which do not submit comprehensive plans for dealing with

crime, and should UMTA require the submission of reports with respect to violent crime?

Mr. STANLEY. I think that right now most transit properties are very aware of the impact that crime has on the systems. I'd be hesitant for us to withhold funds or grants, either specifically or on an annual basis, based on failure to submit a program for dealing with crime. I note that in the new systems being built—I refer to Los Angeles, which recently conducted a security peer review, as well as Atlanta, Baltimore, and Pittsburgh—safety and security are top priorities. And we're comfortable to date that most transit authorities and transit systems are attempting within their own resources to deal with the questions of security and safety.

Senator D'AMATO. One further question: You heard the mayor testify with respect to two proposals that I am certain the city will be submitting for consideration as demonstration projects for security and safety: One being the enlargement of the transit police canine program, and the other dealing with the transit court. What is your inclination with respect to those two projects?

Mr. STANLEY. My reaction with respect to the first, increase or development of a canine corps, would be that we would be very glad to consider that as part of a demonstration grant. My understanding on the question of a transit tribunal is that that would take some State authority at present for that to be established, and I would be hesitant for other than a demonstration, for UMTA to begin funding administrative judicial systems dealing directly with transit crime.

In that regard, one of the problems we've had in our research into transit crime is the inability to distinguish what is transit-related crime and what is not. Where the crime occurred; exactly what is reported as a transit crime, is a very difficult data base to develop. And I think our funding of other than a very small demonstration project of establishing a permanent transit tribunal, I would be hesitant to do so.

Senator D'AMATO. I think we're talking about a rather limited project of about \$1.25 million and indeed it might provide some insights with respect to establishing a data base by utilization of this kind of court. There may be a relationship between improving not only this but the entire criminal justice system by seeing exactly how many less serious crimes, such as farebeating, et cetera, can be handled expeditiously by a special tribunal. Reduced recidivism may be a result. But as to the specifics of the tribunal, we will leave that to a detailed application.

I thank you for testifying here today and for your support. Also, I appreciate your taking the subway ride today and getting, again, a first-hand view of what we are dealing with and what we are trying to preserve.

Mr. STANLEY. Thank you very much, Senator.

SUBMITTED QUESTIONS

Senator D'AMATO. At this time I am going to submit some questions for the record from Senator Andrews. I ask you to respond to him in writing and we'll keep the record open until we get your responses.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR ANDREWS

SAFETY AND SECURITY FUNDING

SENATOR ANDREWS: Under what UMTA programs may authorities receive funds for safety and security programs?

ANSWER: Safety and security - related activities are eligible expenses under the following programs:

Discretionary Funding Program -- Section 3 (capital investment)

Formula Grants Programs -- Sections 5 and 9 (capital and operating)

Research and Training Program -- Section 6 (new techniques, products, activities; training)

Planning and Technical Studies -- Section 8 (planning)

SENATOR ANDREWS: Does UMTA have a breakdown on how much Federal money goes directly or indirectly to fight crime in transit?

ANSWER: Federal funds expended directly or indirectly to fight transit crime are generally a portion of larger capital investments or operating budgets and are not specifically identified. However, security is an eligible expense for the \$2.32 billion available in FY 1984 to urbanized areas under the Section 9 formula grant program.

SENATOR ANDREWS: Does UMTA have a sense how much Section 6, Section 8, Section 3 and Section 9 money goes for safety and security measures?

ANSWER: Under UMTA's Section 6 Program \$2,800,000 is directed for safety and security measures. Under Section 3, 8, and 9 it is difficult to estimate the total amount of safety and security related improvements funded under UMTA's overall financial assistance programs because safety and security improvements tend to have other transportation benefits.

SENATOR ANDREWS: In relation to the Federal dollar spent, how much do the various transit authorities spend on safety and security measures? Twice as much, ten times as much? Please provide example by city and amount where possible?

ANSWER: UMTA does not have information on the amount of local assistance used for safety and security related improvements. It would seem safe to say that most of the funds are local rather than Federal.

SAFETY AND SECURITY STATISTICS

SENATOR ANDREWS: Do we know whether crime is more of an issue on rail systems versus bus systems, or big cities or smaller cities when measured on a per passenger basis?

ANSWER: Existing data sources do not provide information on the total volume of transit crime. The reasons for this are varied. In many instances, transit crimes are not reported to police or transit police, and if reported to local law officials in many instances there is no distinction made between regular crime and transit-related crime. The commonly held perception is that larger cities have more of a crime problem than smaller ones, and rail

systems more than bus systems, but we have no data to verify that view. Consequently, reliable assessments on the impact or potential effort of crime within urban transit systems are difficult to make.

SENATOR ANDREWS: In measuring crime on transit facilities, do we have an agreed upon set of yardsticks? What are they? If not, why not?

ANSWER: Among those crimes that are recorded, variations exist between transit systems in the types of crimes recorded, and even within a single transit system, there may be inconsistencies in the categorizing and processing of crime data. We are working with transit agencies and the American Public Transit Association to explore just this issue, and to determine how we can obtain meaningful and consistent crime information.

SENATOR ANDREWS: What does UMTA believe is a good way to measure the impact of crime?

ANSWER: Since UMTA does not have data on the total volume of transit crime, or reliable assessments on the impacts or potential effect of crime within urban transit systems, it is difficult to determine the impact of crime. UMTA is currently conducting a feasibility study of a national transit crime reporting system which should give us a data base which will permit studies to be carried out in measuring the impact of crime in transit.

SENATOR ANDREWS: Conversely, do we have a good way of telling how effective preventive crime measures are? What are some of the preventive measures a system can employ?

ANSWER: We have some data coming from a few demonstrations which UMTA has funded. For instance, a decoy surveillance program was implemented by Dade County, Florida, in June 1982 to reduce crime on the Miami City bus system. The program relied primarily on undercover police officers and electronic surveillance, and resulted in a 57 percent reduction of the number of reported transit crime incidents. However, we do not believe that sufficient information is available to make any broad conclusions about the relative effectiveness of various crime prevention techniques.

SENATOR ANDREWS: Has UMTA done any studies on revenue loss at the collection box because of crime?

ANSWER: Based upon preliminary studies, revenue losses due to crime are estimated at between 10 and 18 percent. This includes fare evasion, pilferage from the fare box, fraud, robbery, losses during counting, and theft while fares are removed from fare collection devices. However, UMTA does not have substantial quantitative data to support strong conclusions. We do plan to conduct an assessment of the revenue collection, handling, and disbursement procedures to determine the areas of critical vulnerability, quantify the losses and identify methods for controlling such losses.

SENATOR ANDREWS: Is UMTA or the cities able to measure the revenue loss of "gate-jumpers"? Have any cities estimated the loss of revenue due to fare cheaters?

ANSWER: Based on preliminary studies, revenue loss as a result of "gate-jumpers" is estimated to be up to 10 percent. This information is based on local estimates in only a few locations of revenue loss due to fare evaders. However, substantive quantitative

data are not available on a sufficiently broad base to support such conclusions.

SENATOR ANDREWS: Would it be a good idea to collect crime statistics through the Section 15 reporting requirements? If not, why not? If yes, why?

ANSWER: To address the issue of crime reporting, UMTA is conducting a study under Section 6 to determine what and how transit crime information is currently being collected at the Federal, State and local level; how the collected information is used in determining countermeasures; and the feasibility and cost/benefit of developing a national system for collecting transit crime information. Without the results of this study, UMTA cannot comment on the merits of collecting crime statistics through the Section 15 reporting requirements, except that its implementation could present an additional reporting burden on our grantees.

UMTA PROGRAMS

SENATOR ANDREWS: Does alternative analysis or any of the early planning steps require a look at safety and security?

ANSWER: During the planning, design and preliminary stages of new rail system development, UMTA provides funds for transit authorities to carry out safety and system assurance programs and activities. The purpose of these programs and activities, which include system safety and security, equipment reliability and maintainability and quality assurance, is to ensure that the highest practical level of operational safety, security, and service availability and dependability are built into the system during the pre-operational stages of system acquisition. Additionally, the peer review process provides a mechanism for transit operators experienced in rail security problems to make contributions on proposed design and pre-operational security criteria of new rail starts. Most recently, UMTA conducted such a review at the Southern California Rapid Transit District.

SENATOR ANDREWS: Does UMTA have any training sessions for transit managers in this area?

ANSWER: UMTA sponsors security training sessions for transit managers and State and local government representatives. In 1983, UMTA sponsored four courses and three seminars which provided training to approximately 250 representatives of transit agencies, State and local government.

SENATOR ANDREWS: Is there an UMTA position on the relationship between a transit authority and the policing authority? (Especially in regards to who pays the bill, and whether it should be an independent force or part of the regular police department.)

ANSWER: The Federal role in the area of transit crime is primarily to provide assistance to our grantees through the programs authorized under sections 3, 6, and 9. Transit security issues are the responsibility of local officials and transit authorities responsible for day-to-day transit operations.

Some transit authorities which utilize internal transit security police and some rely on local police departments for their security coverage. The Bay Area Rapid Transit District (BART), San Francisco, operates its own transit security police. Salaries are a part of BART's operating budget. Metropolitan Dade County

Transportation Administration, Miami, has an agreement with the County in obtaining security police coverage for their transit operations and the police salaries are paid for by the County. In New York, New York City funds the transit security police operation with a budget of \$150 million. Funding for security police coverage is a local responsibility and in many cases involves local multi-jurisdiction agreements.

SENATOR ANDREWS: Do we or should we have standardization of enforcement?

ANSWER: The vast differences between transit systems size, equipment and facilities; the environment (i.e., natural/physical, social/political and institutional) in which a transit system operates; and, the fact that only a few systems have dedicated transit police/security officers, suggest that standardized enforcement among transit systems is impractical.

SENATOR ANDREWS: Does UMTA have a position on city's establishing transit courts?

ANSWER: UMTA believes that the establishment of transit courts is a local matter and that city officials are in the best position to judge whether to do so.

SENATOR ANDREWS: How are success stories in combatting crime shared? Is there a result from showing their successes?

ANSWER: UMTA has made an effort through information dissemination and exchange, reports, workshops, and conferences, to make transit systems aware of successful techniques in addressing transit security and safety issues. Additionally, the peer review process provides a mechanism for transit operators experienced in rail security problems to make contributions on proposed design and pre-operational security criteria of new rail starts.

Those transit agencies benefitting from the review process where security was designed and built into the system include:

- Metropolitan Atlanta Rapid Transit Authority
- Mass Transit Administration of Maryland - Baltimore
- Washington Metropolitan Area Transit Authority

Recently, UMTA conducted a system security peer review of the design and pre-operational security criteria as proposed by the Southern California Rapid Transit District.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA) INVOLVEMENT

SENATOR ANDREWS: Could you describe the activities of LEAA in the area of transit and crime?

ANSWER: We are not very familiar with LEAA activities but are reviewing them at this time.

SENATOR ANDREWS: How much did LEAA spend in this area in the past?

ANSWER: The LEAA spent approximately \$5.5 million in this area in the past.

SENATOR ANDREWS: What types of programs and demonstration projects has LEAA funded?

ANSWER: UMTA is aware of five transit-related LEAA projects:

1. A grant to the Philadelphia Department of Police for a Public Transit Crime Reduction Program which was funded in 1973 (\$1,000,000).
2. A research study on Crime Prevention through Environmental Design performed by the Westinghouse Electric Corporation which was funded in 1974 (\$4,057,683).
3. A grant to the Metropolitan Washington Council of Governments to develop "Criminal Justice Planning in the Metro Washington Area," funded in 1975 (\$84,692).
4. A study of "Policing Responses in Urban Mass Transit Systems" performed by the MITRE Corporation, funded in 1976 (\$97,888).
5. A grant to the John Jay College of Criminal Justice for development of a "Police Training and Juvenile Diversion Program," funded in 1979 (\$260,000).

The study performed by the MITRE Corporation involved representatives of UMTA and the transit industry, and resulted in a report which was published in 1977 and reprinted in 1979. We are not familiar with the results of the other four projects.

SENATOR ANDREWS: What has UMTA or the transit authorities learned from the LEAA experience? Please describe.

ANSWER: An April 1977 report of the MITRE Corporation on "An Assessment of Crime and Policing Responses in Urban Mass Transit" systems concluded that:

- Fundamental assumptions that guide transit police anti-crime activities are similar to those in general policing.
- Crime problems in mass transit are essentially concentrated in the nation's large cities.
- Increases in transit crime parallel increases in street crime.
- Both victims and offenders in transit crime resemble their street counterparts.
- There are significant variations in the crime patterns across rapid rail transit systems.
- Certain types of transit crime are more amenable to control than others.
- Police patrol procedures have similar implications for transit security.
- The value of electronic and mechanical devices as means of enhancing police effectiveness or minimizing the cost of security must be examined.

NONDEPARTMENTAL WITNESSES

METROPOLITAN TRANSPORTATION AUTHORITY

STATEMENT OF ROBERT R. KILEY, CHAIRMAN

Senator D'AMATO. Our next witness is Robert Kiley, chairman of the Metropolitan Transit Authority (MTA), who also joined us for the subway ride from 14th Street to this hearing. In addition, I might mention that Bob rode from uptown down to 14th Street on the subway.

Mr. KILEY. Mr. Chairman, I welcome the opportunity to be here before you today. The subject is obviously one of enormous importance not just to the MTA but to all of our riders.

I would like to take the opportunity to read a brief statement.

As I said shortly after my appointment as chairman of the MTA last fall, I regard the control of transit crime to be one of my highest priorities. Our customers definitely agree. In two separate opinion surveys conducted for the MTA last May and June, subway riders and nonriders alike rated the fear of crime as their single greatest concern about our system—

Senator D'AMATO. I think that point bears repetition, Mr. Chairman. There is no sense in our attempting to obscure the incredible problem that crime presents in terms of the quality of life in this city and in this metropolitan region. I commend you for your courage in including that statement in the MTA's opinion survey. I think when we face up to the problems with which we have to deal, then maybe we are going to be a little more successful in solving them. Instead of saying, "Oh, no, it's really not there." So I commend you. And maybe you'll read that statement over again. You know, crime is No. 1 by your customers.

Mr. KILEY. It ranks in front of reliability, cleanliness, convenience, every single indicator that they were asked about.

Moreover, when nonriders are asked what the biggest deterrent is to their using the system, crime ranks second. No. 1 was no need for transportation.

Senator D'AMATO. So it actually is No. 1 again?

Mr. KILEY. It really is the No. 1 reason why people who would otherwise use it do not choose to use it.

So whether it is a perceptual problem or a problem rooted deeply in reality, in some respects that one dimension is beside the point. People believe that crime is a basic problem in the transit system and therefore we have no choice but to deal with it.

As Chief Meehan will explain later this morning, the transit authority has made real progress in the past year or two in reducing the level of

crime in the subways. But public concern over the issue continues at a high level.

Crime in the form of graffiti and other types of vandalism also imposes very real costs on the system for cleanup, repairs, and service delays. For example, the transit authority spends more than \$4½ million a year repairing the damage done by vandals in the subways and \$2 million a year on the buses. We spend over \$9 million a year on property protection agents to guard our facilities from vandalism and over \$1 million a year in a special antivandalism detail within the transit police.

This adds up to \$17 million a year and does not even include the cost for cleaning and painting forces to remove or cover graffiti. Furthermore, more than 13 percent of all subway delays—6,500 in 1983 alone—are caused by trains being taken out of service because of vandalism that poses a safety hazard to the passengers, such as when a window has been kicked out.

Controlling crime, no matter what your standpoint, is thus crucial to the future financial health of our system, and perhaps—I shouldn't say perhaps—and indeed to the physical and psychological health of our riders. Despite this, very little Federal attention has been focused on the issue of transit crime. There are no categorical programs aimed at transit crime and for this reason the MTA Board and I welcome an initiative to make fresh funds available to fight transit crime.

Let me add here, Senator, that I know it is not your desire, and it certainly wouldn't be mine, to go down the path of law enforcement assistance administration of the 1970's. I wish now that we had simply a fraction of the billions that were misspent during that period of time. And I know that you're approaching this problem carefully and in as targeted a fashion as we know how to do. There were lessons that we learned from the late 1960's and 1970's which I believe we can apply to the fight against transit crime.

NEED FOR NEW FUNDS

I'd like to emphasize the term "fresh funds." Too often we find that what purports to be new aid for transit really enriches Peter at the expense of Paul. We urge that any such anticrime money come in the form of new funds and not a reduction of the amount of money that we would normally expect to receive from the Urban Mass Transit Administration. We are short of resources, not of mandates.

There are several areas where the security of the subway system would materially benefit from the work we could do with new funds. Though, as you know, the MTA has undertaken a major capital rebuilding program, its focus has been making up for the years of neglect of our vast physical plant and restoring the subways, buses, and commuter railroads to acceptable levels of reliability. The existing program, big as it is, is not enough to solve all the problems it is designed to address. Outside assistance is essential if we are to do what we should do in the security area.

The largest single capital program I have in mind to control crime involves physical improvements to subway stations. The security of stations, both actual and perceived, depends in no small part on their layout and their equipment. Hidden corners and inadequate lighting invite both criminals and fear.

In early 1982 the transit police surveyed every subway station to identify modifications that would improve security. They found thousands of such locations. These included items such as: Hidden areas where criminals can lurk which should be permanently sealed with gates; blind passageways which could come under the surveillance of token clerks or other transit authority employees or passengers if mirrors were installed to let people see around corners; and platforms, mezzanines, stairways, and other station areas which have too little light or whose lights are easily broken by vandals. These places would benefit from new vandal-resistant lighting fixtures.

The results of the security survey are being used in our station modernization program. However, only about one-tenth of the system's 470-plus stations are in this program. That leaves about 90 percent of our stations without any near-term prospects for such security improvements. Of course, we are installing off-hour waiting areas in every station where passengers can congregate under bright lights, usually in the direct or televised view of token clerks.

But the security survey went far beyond this: The total amount of the work recommended by the survey, which should be done but is not now part of our program, is approximately \$10 million. This item, it seems to me, is an excellent candidate for any proposed Federal transit crime fund.

Another category concerns summons enforcement. And I simply want to reiterate what the mayor has already said. The transit police issue over one-half million summonses a year for minor offenses such as fare evasion. Most are returnable to the New York City Criminal Court, which is too overburdened with more serious cases to do much with our summonses. As a result, only about 16 percent of persons given farebeating summonses ever answer them, and nothing at all happens to the remaining 84 percent who ignore such citations. The noncompliance rate for other types of transit summonses is comparable.

The civil court that we are discussing today will allow default judgments to be taken against those who do not meet their court dates and their wages could be garnisheed or their property seized to pay their fines. When a few transit offenses—smoking, spitting, littering, and radio playing—were put in a civil tribunal in 1980 in this city, there was a dramatic improvement in the enforcement rate. There is every reason to believe that the same thing would happen with fare evasion cases. For this reason the MTA Board and I support Mayor Koch's proposal.

We've estimated, as you have mentioned, Senator, that the startup costs of the civil tribunal would be in the area of \$1.25 million. This would go for computers and software, office equipment, training of per-

sonnel and the like. This expense would be especially appropriate for a Federal transit crime fund, particularly since it could serve as a model for similar efforts in other cities and States.

There are other areas where capital funds could help our efforts to control transit crime: The communications system of the transit police, its data processing facilities, our facilities to secure rolling stock and equipment from the ravages of graffiti and other vandalism.

CRIME-CONTROL PROGRAMS

I would make one final plea though to the subcommittee, and that is to keep your minds open to the possibility of helping with crime-control programs that involve operating rather than capital expenses.

I recognize that crime control and law enforcement is the overriding responsibility of local and State authorities, but there are areas of discrete investment in which we might be able to learn something that could be applied by State and local officials if a small amount of money were made available by the Federal Government for experimentation. I could understand your reluctance to establish a Federal role in the area of operational support. Instead, I am talking about innovative and experimental programs which are difficult to pay for out of a transit agency's normal budget until they are proven, but which once demonstrated to be successful, could be taken over by the agency. An enlarged transit security element such as you are proposing under UMTA's section 6 program would be an appropriate source of funds for these new demonstrations. We would like to try out a number of ideas that have been suggested to us, such as enlarging the capabilities of the local district attorneys to focus on transit crime; pursuing career criminals more effectively; expanding the use of police dogs by our patrolmen; and creating new alternative sentences for youngsters who have committed minor transit offenses and who might be deflected from plunging deeper into the life of crime. Such ideas abound, Mr. Chairman, and your help in allowing us to test just a few of them would be most welcome.

Thank you very much for your attention.

Senator D'AMATO. Thank you, Mr. Chairman.

INCREASE FUNDING IN SPECIFIC AREAS

Let me ask you if you would expand on something that you mentioned in your testimony.

I believe you said that only 10 percent of the work, for example, the installing of the parabolic mirrors and the lighting which is basically vandal proof, et cetera, has been undertaken. But did you say that the total cost estimated was \$10 million?

Mr. KILEY. Yes.

That is, our feeling is that the important recommendations in the security survey that was undertaken just about 2 years ago now could be costed out at about \$10 million and could have an enormous impact.

Senator D'AMATO. Well, let me then suggest this, and I am not in any way attempting to move away from my commitment to support this legislation, and ask you to submit in writing something to the subcommittee so that we could go forward in providing increased funds for crime prevention projects under section 6. For example, Mr. Stanley has testified of a successful program in Miami where they used decoys.

So I think that there has been a precedent established by UMTA to fund different kinds of crime prevention demonstration grants. The problem is that we currently have only \$2.8 million nationwide for this program; however, I believe the Administrator has testified that it is his inclination and that of the Secretary, in talking about matters of safety, to increase those funds. As a member of this subcommittee, I can tell you that this will be a priority of mine, to see to it that we increase that specific funding for crime prevention and safety. The question, though, seems to me that since we will be spending millions of dollars in the next 5 years for increased equipment, rolling stock and renovation of train yards, et cetera, shouldn't we also make safety-related projects a priority? And couldn't I get a commitment from you to undertake the implementation of projects for those purposes as quickly as possible?

I will be somewhat uncharitable. I don't think that your predecessor, and I'm talking about in the operating office, Mr. Simpson, really paid attention to those kinds of details. You are only recently confirmed as MTA chairman and you have already emphasized, and I think it comes from your operational experience, that here is an area where commitment of resources will pay dividends. We're talking about creating a climate where people can and will be safer. Where they'll be notified, as I believe further testimony will describe, with a green light, for example, that will indicate in the late evenings that there is someone on duty there, and people will then be inclined to use that facility. And if there is a red light they'll know not to come down and use the facility because there's no train coming through. And if there is an amber light they will be notified that trains will be stopping, but there's no personnel at that facility.

I think that safety-related projects make a prudent investment. People sometimes say to me, "You're a conservative, so how come you're talking about spending money?" But, if we invest \$10 million here, Lord knows how many people will not be victims of crime; how many crimes we'll be able to prevent; how many criminals we'll be able to detect and get off the streets and get out of the subway systems. So I would encourage you to make the \$10 million for projects recommended for station security a priority. I think it will pay great dividends.

I'm delighted by your candor. I'm delighted by the fact that you've come here and didn't try to say, "Oh, we've got it under control. Crime is coming down." It is the No. 1 problem, certainly in the minds of the public. And when public opinion polls and surveys that you've taken indicate, "Yes; dirt is one thing, unreliability is another thing, high fares is another thing, but No. 1 is the problem of crime," it is clear that crime deters the public from using mass transit, particularly in

offpeak hours. Nobody wants to put his or her family on a subway train from Manhattan and take it to the outer boroughs at 2 o'clock in the morning or 1 o'clock in the morning or 11 o'clock at night after attending the theater. They're not going to do it, and it has nothing to do with the cost. You could let them ride out there for a quarter and they still wouldn't do it, as long as there is that fear and threat of criminal violence, to themselves and to their family. I commend you because you understand that unless problems are recognized, we're never going to be able to deal with them.

How about the \$10 million?

Mr. KILEY. Well, one way or another the implications of the survey are enormous and we've got to be able to deal with them. The fact that the \$10 million number had a nice, round ring to it and that it would fit very comfortably into the proposal that you're—

Senator D'AMATO. I understand that and I'm going to push for it. I know that in the next appropriations bill we're going to work to get that demonstration project money increased substantially. Given the fact that New York has one-third of the riders and is going to have many more demonstration projects, I think we'll be able to come out with an appropriate share of the necessary funds. Now, if I make these increased appropriations my goal, then I expect the MTA to make up the balance of that \$10 million so that work can begin as soon as possible.

How about that?

Mr. KILEY. That sounds like a very interesting arrangement, Senator.

Senator D'AMATO. OK, on that note, I thank you very much for your testimony.

Mr. KILEY. Thanks, Senator.

Senator D'AMATO. We will soon hear from three crime victims who I think will give ample testimony as to the reality of transit crime. I'm going to ask our victims if they wouldn't withhold for just several minutes, however, until we hear from our district attorney from the Bronx County, District Attorney Mario Merola.

Mr. MEROLA. Good morning, Senator.

Senator D'AMATO. Mario, how are you.

Mr. MEROLA. I want to apologize for a cold that I have, but I wouldn't miss this for the world because I came down here to thank you for the \$72 million that you gave us about a month ago.

Senator D'AMATO. Well, Mr. District Attorney, let me thank you for participating today.

STATEMENT OF MARIO MEROLA, BRONX DISTRICT ATTORNEY

Mr. MEROLA. New York City has been an international center of finance, fashion, culture, and art. Each year, millions of individuals, for business and pleasure, come from London to see our theatrical productions, from France to learn the secrets of style, from the Orient to see our museums, and from everywhere to see their broker. Some of these travelers have logged enough mileage in their lifetimes to constitute a trip to the Moon and back.

As a lifetime resident of this wonderful city, I find it sadly ironic that the incidence of crime against these people is far lower during their transatlantic travels than during a subway ride from Times Square to 34th Street.

Certainly all of us recognize that New York is a city that cannot survive without a mass transportation system which is clean, economical, efficient, and safe. Bicyclists and joggers aside, most people who desert the subways are relying on their cars. We have all breathed enough fumes and agonized through a grid lock often enough to know that the automobile is more a problem than a cure.

Unfortunately, all of us recognize as well that our system of mass transit, at least from the standpoint of subway crime, is in terrible shape. Our subway trains and stations are dirty and marred by graffiti. Riders, with good reason, feel psychologically oppressed and physically trapped by the system. In crowded facilities people are jostled and sexually harassed; in deserted ones they are often robbed, assaulted, and raped.

SPECIAL TRANSIT CRIME UNIT

In February 1982, as a consequence of my great concern about subway crime, I established a special transit crime unit within my office, headed by Mary Ann Jennings. This unit, which consists of four experienced assistant district attorneys and a support staff, must be notified whenever the transit police make an arrest involving a serious transit crime.

In order to facilitate such notification each prosecutor on duty—one is available 24 hours a day, 7 days a week—carries an electronic signal beeper to insure that he or she can immediately be reached. Once notified, the district attorney takes charge of the case, advises the police with respect to obtaining and securing evidence, arranges for the presence of my video technicians to record statements made by defendants, and takes any other action which is necessary and appropriate.

The results obtained by this unit have been impressive: On May 27, 1983, an individual convicted of robbery and rape on a Bronx subway platform was sentenced to life imprisonment. On September 12, another individual convicted of his third subway mugging, also was sentenced to life imprisonment. And on January 20, luck will run out for a third individual who has seven prior felony convictions and who now stands convicted of a gunpoint robbery in a Bronx subway station.

Senator D'AMATO. You had better hope Judge Levitan isn't there though, Mario.

Mr. MEROLA. Well, I hope the judge who's going to sentence him hears about it.

On that date a supreme court justice has indicated the defendant will be sentenced to imprisonment for life.

Senator D'AMATO. Oh.

Mr. MEROLA. Overall, the unit has achieved a 96-percent conviction rate. I certainly want to, at this point, acknowledge the aid and cooperation given to my office by the transit police department under Chief Meehan.

With respect to misdemeanor transit crimes, however, the entire criminal justice system, to put it charitably, has been found wanting. Despite the fact that there were 18,121 arrests citywide for such misdemeanors during 11 months of 1983, and despite the fact that most of these arrests were for such offenses and criminal mischief, theft of services, which unquestionably affect the quality of our lives, it is doubtful that any of these offenders are going to be sent to jail or will be sent to jail.

Notably the transit alternative service program, under which offenders clean graffiti off cars, and the antivandalism restitution program, have collected some tolls from offenders who might otherwise pass through the system totally unscathed. More notably, however, these programs are totally voluntary. They cannot be utilized if the offender does not consent. I suggest that there is more that we can do.

First, I believe that a dramatic increase in the number of transit police officers is needed. How many offenders will commit crimes on subway trains or platforms with a police officer at their elbows?

Second, I call for a special transit crime part of the New York City Criminal Court to focus attention on such crimes and the way they are handled, and to prevent transit offenders from falling through the cracks in the system.

Finally, in view of the particularly predatory nature evidenced by those who commit subway crimes, I renew my call to the legislature—my last call went unheeded—to impose additional sanction on those convicted of subway crimes. It is more than obvious to all of us familiar with the transit crime problem that we need more programs, more prisons, and more police. Most of all, though, we need more money.

Society gets the quality of life it is willing to endure. At present our society is being asked to endure conditions which would be totally unacceptable in a public rest room. As bad as these conditions are, however, and as angry as any of us may get about them, nothing will change unless the bottom line on our government's transit budget goes up.

The Reagan, Koch, and Cuomo administrations have worked hard to balance the budget and put more money into our citizens' pockets. Now they must work even harder to assure that these citizens can get home safely to spend it.

Senator D'AMATO. Thank you very much, Mr. District Attorney.

Let me simply add a few of my comments to your statement, and I thank you because your testimony really goes to the point.

PRESENT SYSTEM TOTALLY UNACCEPTABLE

We are losing the quality of city life and people are enduring intolerable problems. We are prisoners in reverse. We live in our homes shuttered up to keep the outside elements from coming in to attack us. We're afraid to use our subway systems. We're afraid to use our parks. And the fact of the matter is that unless we invest the necessary

resources, whether it is to create a better criminal justice system, or maintain an adequate amount of prison space, or to see to it that the laws are tightened to deal with the criminal recidivist, so that the people are protected if we're not willing to make that kind of commitment in terms of time, talent, energy, or money, then we're just going to continue to lose that quality of life and people in this great city are going to continue to live and cower in fear.

I find it totally unacceptable. I can't understand it. I think it's a testament to what people can endure. What they endure on a daily basis—

Mr. MEROLA. They don't have any alternative.

Senator D'AMATO. But those that do have alternatives, how does it affect them, Mr. District Attorney?

Mr. MEROLA. Well, the ridership goes down. I've been told that in the last 10 years—and you probably have other people here that can tell you—less and less people utilize our transit system. More and more people use cars.

Senator D'AMATO. Would you permit your family to use the subway systems late in the evening? I wouldn't. I'll say that as a—

Mr. MEROLA. I concur with that.

Senator D'AMATO. My own daughters have endured being jostled on the subway. One daughter who worked downtown last year was sexually assaulted and harassed on that system. One only has to hear once from a family member or friend of harrowing experiences on the subway, to conclude that there is a need for increased numbers of police. I know that the city has come through a tough financial period, but we need more transit police, to see to it that the necessary sweeps and patrols can be conducted regularly, thoroughly, and systematically.

The other thing is that when you apprehend and arrest somebody who has committed a crime against someone else's person, the defendant must not fall through the cracks in the criminal justice system. Something must be done so that they're not just turned back out with punishment. It has to be awfully frustrating to the officers who make the arrests, or who give out the summonses to see that there is turnstile justice with little if any hope for the future.

Mr. MEROLA. I agree.

PROBLEMS WITH TRANSIT COURT

Senator D'AMATO. But I thank you for your—let me ask you one question: The mayor has proposed a transit court, civil in nature. It seems to me that there may be some problems with a civil court since it would lack the power to use some of the modest sanctions that might be imposed where necessary. Do you see that? And, by the way—

Mr. MEROLA. I see a lot of problems with it.

Senator D'AMATO. And by the way, how do you enforce a judgment against some kid, an 18-year-old?

Mr. MEROLA. I see a lot of problems.

First of all, we've reached the bottom. So anything that we do, obviously, is going to be a plus. But we're also talking about, the last speaker who appeared before you, Mr. Kiley, indicated to you that 84 percent of those individuals who get a criminal summons don't show up. We're now talking about a procedural reform of saying, "Hey, let's have a civil operation." We're not going to summons these people with these summonses. We guarantee they're going to go. If you don't have the necessary clout down the line of incarcerating the individuals, if you can't compel them to come to court, you're just having procedural reforms. You're not going to have any effect on the substantive problems. I'm not suggesting that it's not a step forward, but it's puny. It's puny in the sense that the criminal court now has the power to incarcerate an individual and they seem to lack the will, the desire, the motivation to do something. We're now going to say, "Hey, we're going to get rid of this problem."

Senator D'AMATO. And also to levy a fine.

Mr. MEROLA. And who is going to collect it? Come on. Who's kidding who?

Senator D'AMATO. But the criminal court—

Mr. MEROLA. You are now paying 90 cents and you are now going to spend—I would suspect, if I had to make an intelligent guess, that in our city of New York, we couldn't process anything for less than \$100. I'm talking about the issuance of a summons, the entry of a judgment, the giving to the marshal. Who are you going to collect from? I suspect, it sounds nice, it sounds like a procedural reform, but it really doesn't come to grips with the problem. The problem very clearly put is that there are people out there who are running wild. They're running wild throughout the system. People are afraid, they're apprehensive. These sweeps that Chief Meehan does, they're great, but they'd be greater, they'd be greater if they locked them up and they spent the night in the clink. Rather than give them a summons, give them a little taste. If they've got a little taste maybe the next day when they went free they would think about it.

Senator D'AMATO. So my question to the chief has got to be: Why don't we lock them up?

Mr. MEROLA. Well, he's got his problems. He probably would get called down by Elleran (phonetic).

Senator D'AMATO. By who?

Mr. MEROLA. Oh, I've got to be careful, I shouldn't mention names or administration will say, "What are you doing? We've got no room. The criminal courts are overcrowded."

Senator D'AMATO. You mean it comes to prison space again?

Mr. MEROLA. What's that?

Senator D'AMATO. Lack of prison space.

Mr. MEROLA. Lack of prison space or lack of the ability of the criminal court to function.

The criminal court now handles something like 200,000 criminal misdemeanors a year. Do you know what happens there? Nothing. Out of 200,000 criminal cases, independent of the subway crime—

Senator D'AMATO. The offenses.

Mr. MEROLA. What I am trying to say to you is that the concept of giving this priority I think is great. What you are doing I think is wonderful. You're giving this the priority that is absolutely essential. It's necessary to the economic rehabilitation of our city. You cannot do it unless you improve the quality of life that you've alluded to, but I don't think that a procedural reform, shifting it from Peter to Paul, is going to do a good job.

Senator D'AMATO. As you were going through your testimony, Mr. District Attorney, I could see the problem that civil court is not going to address.

Mr. MEROLA. How are they going to put them in jail?

Senator D'AMATO. It's much more basic. If defendants are not going to respond to a summons in the criminal court, they're not going to respond in the civil court. In addition, fine collection will not improve, because you're talking about \$10, \$15, \$20, or \$30 fines, in any event.

Mr. MEROLA. Even more important, you're going to punish us. You're going to punish us because you're going to create a bureaucracy.

Senator D'AMATO. Well, I'm not doing it.

Mr. MEROLA. Well, whoever does it.

You're going to create a bureaucracy. You're going to have to put a lot of people to work. If that's your intention, that's great, but let's say so. You're going to have to spend a lot of money getting people to shuffle papers, but you're not really going to—

REFORMS OF CRIMINAL JUSTICE SYSTEM

Senator D'AMATO. What kinds of specific reforms would you propose as some possible improvements to the State criminal justice system. Of course this is outside of my purview, but I would refer it at least to one colleague in State government who might be willing to undertake it on the Senate side. You know, we have someone else on the assembly side who regularly rejects the district attorney's suggestions in dealing with these problems, but—

Mr. MEROLA. Too bad he's got the same initials as I do.

Senator D'AMATO. But would you care to mention some of those?

Mr. MEROLA. Well, I honestly think that if we took one of our criminal parts and indicated that this was going to become a subway part, what's wrong with that?

Senator D'AMATO. Yes.

Mr. MEROLA. We would then build the expertise, the experience, the know how, who we're talking about, just the simple device of a computer—whether this guy is a first-time farebeater or a second-time—

Senator D'AMATO. In other words, whether it's a recidivist who comes in six, eight, or nine times?

Mr. MEROLA. Right, but you need that kind of clout. You need the kind of clout where down at the end of the road you can talk about, you can say to the individual, "Hey, either you cooperate and do these things, otherwise you are going to go."

They talk about vandalism. I think the figure I heard Mr. Kiley refer to was an astronomical county. In Bronx County, where we have the system, I think we collected something like \$7,700. Is it cost effective? I doubt it.

We talk about the graffiti people. We had about 900 people in the particular system. I think it's great, it's a step forward. But I am suggesting to you, and as you get into it, the entire operation dealing specifically and giving this a priority, that the ultimate clout has to be, in any program that we've had, is the ability of a judge to say "or else." And we don't have that kind of system.

So I'm not against a civil tribunal, but I'd like to have more.

Senator D'AMATO. Well, couldn't that subway part be set up without any kind of legislative action? Wouldn't that lie within the court system itself?

Mr. MEROLA. I don't think so. I suspect you need legislative approval. And I would also suspect that a civil court could not impose any kind of a criminal sanction without a constitutional amendment.

Senator D'AMATO. No; I was wondering within the criminal justice system, city court system that exists at the present time, could they not designate a part?

Mr. MEROLA. No problem. I would call for that.

Senator D'AMATO. And if that was to be done and a request made for the kinds of computer equipment and other equipment necessary to make it a successful court that really works, we might be able to make some inroads in this area.

Mr. MEROLA. You can't do any worse.

Senator D'AMATO. And that might be an area for which we could provide some funds, and it would seem to me that it would put some teeth into the criminal justice system. As you say, Mr. District Attorney, build some expertise.

I want to thank you for offering your testimony.

We're going to take a 5-minute recess and then we will hear from our three transit crime victims.

[A brief recess was taken.]

PANEL OF CRIME VICTIMS

Senator D'AMATO. This hearing will come to order.

We are going to ask our next witnesses to appear as a panel. So that we respect the privacy of the individuals, since each of them has been a victim of crime, we will not give their full names.

We are going to ask Mrs. G if she won't please step up here, and Mrs. M, and Mr. C.

We are obviously using these initials, rather than the full name of the witnesses. The record will, at some point in time, indicate their names.

We thank you so very much for coming in.

Let us start with Mrs. G.

First of all, let me thank each and every one of you for being here. One of the great problems we have today is that we know there are

many victims whose stories go untold and the public is unaware of the incredible personal hurt to the victims, to their families, and its long-lasting repercussions. I thank you for coming in because I know it is difficult and because it is so terribly important that the public have an opportunity to hear and see and learn about the terrible loss, social loss, economic loss, and damage that is done to the victims, who are so often forgotten.

The fact is that unfortunately we often have a difficult time getting people to come forward to tell their tale. I hope that the testimony we will now hear will serve as a catalyst to move government and to move those, who can and should be doing something, to deal with this problem in a positive manner. So I thank you all for coming in.

Mrs. G, if you would tell your story to the committee.

STATEMENT OF MRS. G

Mrs. G. I was about to descend a flight of subway steps in September, it was at 3 o'clock in the afternoon. There was a man in front of me. I was on the left-hand side of the staircase. I reached for the handrail and my hand never reached it, and as I started to turn left to see why, I never felt the person in back of me pick me up. He threw me over the man's head in front of me. But he didn't let me go, he held on to me. And so—I remember the yellow tiles of the wall. They were just like a flash, like you throw a ball, and it goes directly in front of you; that's the way my face went straight past those tiles. And I hit the pavement on the bottom. My head split open. My eyeglasses smashed inward, but thankfully they were shatter proof. And I lost consciousness, but both he and the man in front of me landed on top of me, so the additional weight and all. I had a deeply gashed open knee, which I thought was broken. Both arms were very, very bruised and painful, and so many other things. And it was very—it was nothing I would ever want to experience again.

Senator D'AMATO. Let me ask you, Mrs. G, were you employed at the time of the attack?

Mrs. G. No, I was not. I was about to become employed.

Senator D'AMATO. Pardon me?

Mrs. G. I was about to go back to being employed. I was not at the time.

Senator D'AMATO. Do you still ride the subways?

Mrs. G. Yes; I ride the subways.

Senator D'AMATO. Why do you ride the subways?

Mrs. G. I haven't much other choice.

Senator D'AMATO. If you had another choice, would you take that other choice?

Mrs. G. Yes; I would.

Most of the time when I ride them, it's because I would like to get there a little faster or because the buses are running slower or perhaps more crowded.

Senator D'AMATO. So if you have an opportunity not to use the subway you do take that opportunity?

Mrs. G. All the time.

Senator D'AMATO. Is that because you fear for your own safety?

Mrs. G. It's not a matter of fear—

Senator D'AMATO. Tell me.

Mrs. G [continuing]. Because you can't live in fear; I don't, anyway. But it depends on the time also, the time of day, and whether or not the trains are running rapidly, because quite often you'll get on a train and before you reach your destination you change that train several times because they're taking it out of service for one reason or another.

Senator D'AMATO. Since the attack, have you become more aware of your surroundings and when you use the subway have you noticed certain things which contribute to the atmosphere of fear?

Mrs. G. Well, yes. People who act differently, who are smoking, whatever, and breaking windows with their hands.

Senator D'AMATO. Have you seen that?

Mrs. G. Yes.

Senator D'AMATO. They actually punch out windows?

Mrs. G. Yes; and the cars have been quite full of people. These were not cars that were partially deserted. And there was another occasion when a man, I don't know what, maybe he was ill or something, but he put a cigarette out in his hand and he became slightly deranged.

Senator D'AMATO. He actually put a cigarette out in his hand?

Mrs. G. Yes; he started to scream afterward, but he did that before screaming.

Senator D'AMATO. Mrs. G, I thank you for coming in and for, I think, very vividly describing the great trauma that takes place as a result of an attack, and of course that will go down as a statistic. Some will think it's not so serious that someone was thrown down a flight of stairs.

Mrs. G. Perhaps not, but if they were to experience it they would find out how serious it is.

Senator D'AMATO. I concur and I thank you.

I am wondering if we might hear from Ms. M? Thank you for coming in.

STATEMENT OF MRS. M

Mrs. M. Thank you.

I basically wrote this down because I want to keep this going pretty accurately.

Senator D'AMATO. OK.

Mrs. M. On October 21, 1982 I was attacked by Juan Saldivar on the uptown platform of the No. 6 train. I had been doing needlepoint, waiting for the train, when I noticed him about 1 to 2 feet to my right. As I looked up, he was looking down the tunnel at the incoming train. You could see the lights down the tunnel. He then pointed at me and then at the tracks. Before I could move, he had circled behind me. I had been standing next to a pillar, which is about 1 foot from the edge on

the narrow platform; it's a very narrow platform, not even 10 feet. I turned to face him. I stood about 1 foot from the edge. I hadn't really moved, I just kind of rotated in my place. He made one kind of wild motion with his left arm, and then with his right arm proceeded to execute a round house punch to my head. At this point he had been about 4 feet away from me. It only took him about two steps to come to me and he connected with the left side of my head, in the temple.

At this point I was out of it totally. I think it should be mentioned that I am in the field of physical education, and I have been in combative situations purposely. I have been lifted in the air, and thrown on mats in wrestling. This is something completely different. It was shocking. It was numbing. It was—I was frozen.

At that point I started, I guess, going with my instincts and I moved with the punch and that put me in a crouch, at which point he started to push on my left shoulder, my right one facing the tracks. I was very lucky that as he pushed, he was not grabbing. He was simply pushing and I backed away from him and broke the movement, and at which point I sat on the floor, putting a pillar between me and the tracks. At this point he raised one leg with the obvious intention of kicking me, and then changed his mind and went to the edge of the platform, at which point I jumped up, grabbed my bag and ran.

Sometime during this I became aware of the fact that someone was screaming, and it suddenly occurred to me that it was me. It was a very far away sound and it's kind of hard to explain the experience, except to say that everything was in slow motion and it was, I guess, something along the line of—if you ever saw that Rocky movie where he comes in slow motion at him, that's what it seems like. This hand is coming at you.

When I got to the end of the platform on which about 10 or 15 other people were standing, the train rolled in and I was stopped in my flight by a woman who had been on the platform, who told me that she had informed the token collector who had called the police, and the police were coming, and we could get this guy. And at which point I told her, "Well, if he decides he's leaving, I'm not going to be the one that gets in his way because who knows if he's armed." I just, at this point, I wanted to bolt. I just wanted to get out of there. I was fidgeting, I was jumpy. She went to the conductor and she told him, and he told the engineer and they held the train for about 10 minutes—so I was responsible on that day for a delay—however, when the police came they asked me if I could identify him and they took him off the train.

He had actually gone on the train. If this woman had not acted up and stopped the train from moving, he would have, as they say, "rode off into the sunset," and probably would have never been found again. I was extremely lucky that somebody on the platform took action about it. And I was rather unhappy about the fact that the minute this hit the press nobody had found this out and mentioned it, because I think it's very important. And one of our greatest potentials at the time is to know that the people around you are not just going to stand there and

stare when this kind of thing happens and turn their backs, which I've seen before.

If it wasn't for her I really don't know that we would have apprehended my attacker.

He's now—he was charged and is now serving a 2- to 4-year sentence.

I guess about the only other thing I have to say is that I was extremely upset about the fact that he was not charged with assault because I had not sustained a permanent injury, such as my head being hurt or my legs being broken or whatever. And I find this to be an outrage, to say the least. He obviously assaulted me with the intent to kill me, and for him not to be charged with assault because I did not sustain an injury, is a horrendous statement about the system that's punishing me because I was lucky enough to escape without an injury. He violated my person and I can't understand why that happened.

I guess that's about it.

Senator D'AMATO. Let me ask you: What impact has this attack had on you? Do you still take the subway?

Mrs. M. Every day. I have to take the same station every morning. This happened at 9 o'clock in the morning. I was on my way to work.

Senator D'AMATO. If you had an alternative, would you use the alternative?

Mrs. M. If I had one, absolutely. Absolutely, without a doubt.

Senator D'AMATO. Do you believe that other people are fearful of crime and the kinds of situations that you described?

Mrs. M. Yes; I do.

I work in a medical office and I have had to treat people who have been approached or sexually assaulted or whatever on trains, on their way to school.

SEXUAL HARASSMENT

Senator D'AMATO. The jostling, the bumping, and in the crowded subway car or platform there is very little you can do. It really amounts to a sexual——

Mrs. M. Sexual harassment.

Senator D'AMATO. Sexual harassment. That is the most commonplace situation that thousands of people have to endure in our city, in our subways.

Mrs. M. There was one case where a woman came in who was hysterical because some man had been kicking her and she told him, "If you don't stop kicking me I'll kick you back," which she did, and he proceeded to get up and squared off and punched her in the face, and everybody in the car turned around.

Now, if that continues, if nobody does anything, a criminal counts on this, on nonparticipation of the people around them. I understand it's a frightening thing to get involved and nobody says you have to jump in between the person and the attacker, but call the police, try to get somebody there whose job it is to get between them.

Senator D'AMATO. Could you describe the Bleeker Street station? That's where this attack took place.

Mrs. M. Yes; it happened on the uptown side, which is very different from the downtown side.

On the uptown side there is one exit. It's very long; it's very narrow; it's very dark. Pillars, as I said, are about 1 foot in from the edge. The whole platform in itself may be, if its lucky, is 10 feet wide.

The token collector on the uptown side cannot see the tunnel. She effectively sees, maybe, about 20 feet, and then for the rest umpty ump hundred feet it extends downward. She cannot see this. So she would have no idea if this is going on, unless somebody notified her.

Senator D'AMATO. If they were able to put up the parabolic mirrors there, where you could see around, wouldn't that provide a great deal more safety so that the token—

Mrs. M. I don't think that the mirror would really help because it wouldn't be able to cover the distance involved. It's a long stretch.

Senator D'AMATO. Would that be an area then where maybe closed circuit TV would be helpful?

Mrs. M. Yes; that's much more feasible.

Senator D'AMATO. I thank you very much for coming in and for sharing your experience with us. Hopefully it will be a contribution to increased awareness of public participation for our citizens.

You know, you can't depend, as you said, just on authorities to be there, but a citizen certainly can use his or her initiative to come to the aid of our fellow citizens.

Mrs. M. I think probably the thing that struck me the most was after these people witnessed my attack, they got on the train with my attacker.

Senator D'AMATO. You mean there were people who actually witnessed this attack?

Mrs. M. Oh, yes. There were 15 people on the platform.

Senator D'AMATO. There were 15 people, and they did nothing?

Mrs. M. Except for that one woman.

Senator D'AMATO. There was one woman?

Mrs. M. Yes.

Senator D'AMATO. Were there men on the platform as well?

Mrs. M. They were on the platform with me. He was between me and the exit, the one exit, and they were behind him, toward the exit, and they did nothing. And when the train rolled in, they got on the train with him, and that's something I can't understand.

Senator D'AMATO. It's incredible. But it certainly points out another tragedy in our modern day society: Whether it be in the great urban centers of America or the suburban areas, we have become islands to ourselves, and as long as that takes place and as long as we are afraid, or not concerned enough to extend a hand to someone who is obviously in need, these kinds of situations will continue to increase. What we will be doing is surrendering our quality of life to the criminal element, to the wanton animal, who can act with the knowledge that the

likelihood of anyone interfering with his crime is minimal. Whether it's the simple household burglary or whether it's the vicious attack that you experienced—there are some that are even more deadly—a great proportion of crime takes place because those who perpetrate these activities are not fearful of apprehension. They know that the average citizen will do little, if anything, to prevent them. And that is simply a tragedy.

Mrs. M. Yes, it is.

Senator D'AMATO. Mr. C, thank you for coming in.

STATEMENT OF MR. C

Mr. C. I guess you want me to relate what happened to me?

Senator D'AMATO. Yes; I would.

Mr. C. Well, I was assigned at work to go and check—

Senator D'AMATO. Do you work for the transit authority?

Mr. C. I do. I work for the transit authority. I work as a motor instructor, which is a line job.

I had been sent to Witlock Avenue to check on a broken 600-volt cable that had been reported, until the proper people could get there to handle it, to try and make the area safe. When I got to Witlock Avenue, I investigated the area and could not find any of this cable or what had been reported. So I had gone to the clerk and asked him if he knew of any report on it. And he said, no, he had no knowledge of it.

At that point I turned and started up the stairs to go back to my assignment, which is at 149th Street and Mott Avenue, and half way up the stairs to the platform two individuals stopped me and asked me a question about the fare. I tried to answer the question as best I could and then I told them to get the correct information to stop at a change agent when they were leaving the system, and they could give them the information they wanted. And they thanked me, and with that I started on up the stairs and started walking down the platform.

It was my intention to go to the middle of the platform and wait at the conductor's position on the train. As I reached that area I heard just one footstep, a running footstep, just one, and I was hit from behind by an individual and he got a hammer lock on me, around my throat. Of course, it cut off my air, and I did try to get away from it by digging the elbow into his ribs, but it wasn't enough. He had another person with him and he swung me around then and the other fellow started punching me. He was screaming to him to punch me, you know what I mean. And I lost consciousness, after about 2½ or 3 minutes I would say I lost consciousness.

And like this young lady said, it was very vivid with me. It was like slow motion, the way you go out. It's like you're conscious. At one point, this period before I went totally unconscious, I decided not to fight, to let them have what they wanted, to try to get out of there with my life because this was Witlock Avenue on that same No. 6 line that that young lady was talking about, and it's not the best neighborhood in the world, but it's also not the worst.

When I came to, which was about 5 or 6 minutes later, there was a train coming around the curve and it sets up a heavy vibration coming around there, and this is where I started to come around. This happened at about 6:25 in the evening, and it was about 7 or 8 minutes before the next train arrived, southbound. I felt this train coming around, I was coming out of it at the same time, but I had been stripped of my wallet and a watch, and the company radio, the little walkie-talkie that we use to keep in touch with the command center, and car keys, and just personal items like this. The only thing they didn't take were my tools, my working tools, which were handles to operate a train and keys to unlock the locked trains and signals and different things.

At that point, when I came to, I went, as soon as I could, right to the next station. I rode to the next station because the platform was clear. There was nobody on the platform north or south. I got on the train, hollered to the conductor; he saw me and he held the doors for me. I picked up my stuff, got on the train, and rode down to Hunts Point and knew that there would be an officer there on duty at that time of night at the post. There's an assigned post there.

From there on, then I traveled with the transit police through the neighborhood to see if we could see either one of these two individuals. Of course, we didn't. Even to look to see if they threw the wallet or anything away. I never carry too much money anyway; I haven't got it to begin with, but anyway I think I had about \$11 that day in my wallet, just enough for lunch and any little thing that I might need. But they had my credit card. I had one credit card, health insurance cards, social security, and stuff like this. But the main thing that they took from me was pictures of my grandchild which I'll never be able to replace and that, of course, to me was—it seems foolish, but it was a very big thing to me because I can't replace these things and it's part of your life.

And the transit police, of course, they handled it and about 5 days later—I don't remember how long exactly it was, but it was approximately 5 days later—I was notified by the transit police and asked if I would view a lineup, which I did, and I was able to pick out one of the individuals they had picked up.

Afterward he was brought to trial. I testified at the trial. I was able to pick the man out and identify him. And I understand that there was a conviction. I didn't wait around to find out. After I gave my testimony I left the court, and that was the end of it as far as I was concerned, but I understand that the man was convicted by the jury, and he was sentenced. What his sentence was absolutely, I don't know what it was. But that's about the end of it.

It's a very horrendous experience, I'll tell you the honest truth. It leaves you with—today, I would suggest that nobody approach me from the rear because I did have one man, one of my own men who was working for me, a motorman, approached me from the rear and I didn't hear him and he spoke to me and, well, I didn't touch him, but

it was very close. And then I've seen a lot of this happen too because I worked in the morning at 125th Street to try to supervise there—well, not try, but to supervise there. And it's a very difficult place.

I wouldn't suggest to anybody how to handle their jobs or do their jobs, but you see it all the time. You see everything happening. Just some of the things, like she said here—of course, I'll be very honest with you, I never walked away from a thing like that, being assaulted by anyone else. I would do whatever was necessary at the time to handle it.

That's about all I have to say, Senator.

Senator D'AMATO. Just to supplement your testimony, with respect to the individual who assaulted you: In 1975 he was convicted of robbery. He was sentenced to 3½ years in prison. He got out early in 1977 because they gave him credit for time served previously. He was no sooner out than he was convicted again. He was sentenced to 4½ to 9 years. He served only 4 years and he was parolled again. In 1982 he was sentenced to 8 years to life, because of his two prior convictions. He was given, by the way, the minimum, and will be eligible again for parole.

We have a criminal justice system that seems more intent on protecting those who have been convicted and shows compassion to them, even to recidivists, while all too often forgetting the society that they plague. And in many cases it's absolutely unconscionable because you know that these people will return to the streets and will be as violent, if not more violent, than when they were initially incarcerated.

And if we have a parole system that simply puts people back on the street because there is not sufficient room, then that system is broken down. I submit to you, for one, it hasn't broken down.

I thank all of those witnesses who have come in.

If you have anything further you might like to add, we'd be interested in hearing from you, but I certainly thank you for taking of your time and sharing your experience with this committee.

Mrs. M. Senator, could I just say one thing?

Senator D'AMATO. Certainly.

Mrs. M. You asked about what would be helpful in cleaning up the system.

Senator D'AMATO. Yes.

NEED FOR BETTER ENFORCEMENT

Mrs. M. And I think part of the major thing that sticks out in my mind is that as I've sat here today and I've listened to all of these people speak about what they can do and adding more police officers and so forth, I think that adding more police officers would be helpful, but its only helpful if they do their job.

Any number of times I have seen police officers walk away or ignore what they perceive to be a harmless derelict. Now, it's true, loitering is not the major thing in this world. But you can't make a visual judgment whether or not somebody is harmless. You have to really—you know, if they could just investigate these people.

I understand there are a lot of people who are homeless and who rely on the system just to live, and I'm not interested really in their being harassed, but obviously something needs to be done with these people because in your paying attention to them and staying away from them, you become an easy target for a criminal to pick your pocket, or a smart criminal can pretend he's one, knowing a cop will walk right past him and then get up and hurt someone.

It's really important—and then 1 minute, you know, they're sleeping when the cop walks by and then they wake up and their belligerent and they're violent. They have to be investigated. You have to do something about them.

Senator D'AMATO. So what you're saying, you've ascertained this to be an area where there should be better enforcement.

Mrs. M. Absolutely. I've seen them walk away from people who talk to them in a strange fashion that may seem incoherent. They smile and walk away and then they leave us to deal with it.

I have a lot of respect for law enforcement agencies, but I think that this is a little bit on the shocking side, on that part. I'm not trying to point a finger, but that is something that has to be attended to.

Senator D'AMATO. I thank you very much. I thank all of you.

Mrs. G. Senator?

Senator D'AMATO. Yes.

EVALUATE TRANSIT STAFF

Mrs. G. As I spoke to Mr. Masse the other day, I believe I told him, I think that the transit system should try to evaluate their staff, at least semiannually. Because there are lots of people who work for the transit who don't care anything about the transit. They're working for a paycheck. That's in most areas, but—they have to ride those trains, too, and they're the first to holler, no reflection, they're the first to holler when anything goes wrong and they holler very loud and they want results for themselves, but that does not cover the other people who are hurt or are hurting.

When I send my children to school on the train, I tell them some mornings, "Call me when you get to school so that I know that you arrived." Because I don't feel that it's fair that someone should have to wait by the phone to see if the hospital, the school, or the student is going to call. And there are instances where so much happens between home and school that you might not hear about until one of those places call.

So if they give a little bit of thought to checking the people they employ more often, they might save money in that area also. Because the paychecks are very large and the work is not adequate for some of them.

Senator D'AMATO. You think there could certainly be more productivity, is what you're suggesting.

Mrs. G. Definitely.

Senator D'AMATO. More awareness and more productivity?

Mrs. G. Yes.

Senator D'AMATO. Mr. Lawe, Chief Meehan, and Mr. McKechnie are here and I think they will take it in the proper spirit and will try to instill in their people the idea that this system can't operate unless there is a compact between those who are employed by it and those who ride it. The two are indispensable elements. The citizen participation as well as that of the people who are charged with the responsibility of maintaining, running the system, and keeping it safe.

Yes, sir?

Mr. C. I only have one more comment, as a former transit employee—by the way I retired since then.

Here we have all these things to assist, to help.

Senator D'AMATO. Yes.

MAINTENANCE OF EQUIPMENT

Mr. C. And it's wonderful that we're going to have the \$10 million if this materializes, but we put these things up—in other words, we spend our \$10 million for this, but we don't maintain it. In other words, what I'm saying to you, you can go to almost any station and they're broken. And I have reported, I used to write reports on it even, give it to them, and it just drops dead at that point. And if you try to push too hard they say, "Well, there's no funds available," or "We don't have the parts," or whatever. You see what I mean?

But the idea is that we're spending \$10 million and yet we're not willing to pay the price to maintain the \$10 million, and this is really what is hurting us in the system.

Senator D'AMATO. I'm hoping I can get them to spend the \$10 million. I didn't get the commitment yet.

Mr. C. Well, I'm just using it as an example.

Senator D'AMATO. I understand what you're saying.

You're saying that one of the great problems we have is in the maintenance of that equipment which is purchased.

Mr. C. Exactly. In other words, the tools, we get the tools, but the tools don't last forever. We have it in more than just this. We have it in a lot of things and it's a problem for us.

That's all.

Senator D'AMATO. Thank you very much.

And I thank the panel for coming in, as I've indicated before. I'm deeply appreciative.

The next witness will be Mr. James Meehan, chief of the New York City Transit Police.

NEW YORK CITY TRANSIT POLICE

STATEMENT OF JAMES B. MEEHAN, CHIEF

Mr. MEEHAN. Good afternoon.

I'd like to thank you, Senator.

I'll make a brief statement and then I'll submit to questions, if anyone so desires.

Subway crime is, of course, a serious problem, but there is some good news. There has been improvement recently. By the end of 1982 subway felonies had flattened out. The total was the same as the previous year. As for 1983, the final figures are not in, it's apparent that there will be at least an 11-percent decrease, with a drop of more than 17 percent in the all-important category of passenger robberies.

Subway crime has been down 17 of the past 19 months, compared to the same months the previous year. And robberies have been down in 18 of the past 19 months.

Though the trend over the last couple of years is encouraging, that's no reason to ease up the fight. The public perception of subway crime is oftentimes greater than the reality. That's reason enough to attack the problem with continued vigor.

Perhaps the biggest single factor in the crime decrease has been the increase in police manpower. Thanks to increased funds from city hall, the transit police department has increased in size by one-third since 1980, when hiring was resumed after a 5-year moratorium due to the city's fiscal crisis. We hired over 1,800 recruits, for a net increase in the department total of almost 1,000.

With these increased numbers we've been able to do some things we otherwise could not have done. We reestablished train patrol by uniform police officers, particularly at night on a regular basis. Today your chance of getting a train with a policeman on board is 1 out of 2 from 8 p.m. to midnight, and 9 out of 10 from midnight to 4 a.m.

For the past year and a half we have been conducting monthly widespread sweeps. In these operations we concentrate large numbers of police officers, both uniformed and plainclothes, on the subways in part of a borough for purposes of total enforcement. The officers take police action in response to anything they see, from the most minor infraction to the more serious crime.

In the past year and a half 15 sweeps have netted some 7,000 apprehensions, with about 1,500 of the total being held for booking and court appearance. The arrests uncovered almost 400 warrants outstanding for past crimes.

Besides having the immediate effect of removing some hardcore offenders from the system, the sweeps have the long-range effect of conveying to the criminal community that there is a massive police presence that can be brought to bear unannounced anytime, any place. The most recent of these operations was conducted just yesterday in Brooklyn.

Increased manpower has made it possible for us to increase our plainclothes cadre. We established a unit of plainclothes officers who have been able to concentrate on our highest priority problem, passenger robberies, a crime that is most frightening to the public because it involves confrontation and the use of force or the threat of force.

We have been able to assign additional detectives to work with the district attorneys to develop the strongest possible cases against hardcore offenders. In that way we can deliver the most telling blow against the subway criminal through the criminal justice system. Without stern judicial action, the best police work is to no avail. This case enhancement program has been particularly effective in dealing with robberies. Every robbery case is developed and enhanced for prosecution. This has been the one reason, one of the reasons, for our recent success in dealing with this crime category.

In connection with the case enhancement program, additional manpower has made it possible for us to concentrate resources on the all important career criminal program. This enables us to maintain records on habitual serious offenders and, after arrest, bring them to the attention of the district attorney. To date we have dossiers on 562 persons who have committed at least two violent felonies or five larcenies during the past 4 years.

We have been able to establish specialized units to deal with special problems. We instituted a vandalism squad to deal with the troublesome problem of graffiti and other more costly mischief like the breaking of windows and tampering with equipment. Window breaking was at its worst on the Pelham line and the vandalism squad reduced it 80 percent over the past 2 years.

And we instituted canine patrol for the first time on the subway system. It's been an encouraging success and we are working to expand that squad.

This has just been a brief review of what has been done with increased operating funds. It's been spent mostly on personnel, and we think the recent downtrend in crime indicates that it has been money well spent.

There is more, however, that can be done with increased capital funding. That's why we're all here today. It's gratifying to see your concern and interest.

IMPROVING SECURITY FLAWS

The New York subway system is in its 80th year. It grew piece by piece over these four score years, without the benefit of a master plan. It grew without the benefit of the advances in design and technology available to a system built new today. There are security flaws inherent in the system. Some of our stations are labyrinths with blind spots, obstructions, cul de sacs, all of which give nightmares to those charged with security and surveillance.

We can't rebuild the entire system, but we can work to improve what we have. We have a team of detectives whose specialty is crime prevention. One of their major accomplishments has been to organize a

station-by-station survey of the subway system with an eye to the elimination of danger spots and to improve security. They did this by training police officers in the various districts to conduct the survey in stations with which the officers were already familiar. Chairman Kiley has already told you about this survey. Out of it came a wide range of recommendations for security improvement. Some could be implemented readily and easily. Some were costly and would require major reconstruction. The recommendations included installation of parabolic mirrors to eliminate blind spots, installation of more coin-free telephones, removal of various kinds of obstructions to visibility, installation of vandal-resistant lighting, closing of dead ends, and the closing of little-used exit areas in isolated locations. UMTA funding could help greatly with some of this much-needed hardware and construction.

Another security program the transit authority has embarked on, but which could use a boost from the Federal Government is the establishment of off-hour waiting areas. That is the program to designate certain areas for passengers to wait for trains in the late night hours. The areas would be under surveillance by railroad clerks in token booths or some other transit authority employee. In some cases the waiting area would be within view of the token clerk, but not within view of the train. In these situations, arrival of the train would be signaled by a bell or light. In locations where the waiting area cannot be seen directly by a subway employee, we are experimenting with limited installation of closed circuit television, one or two cameras, coupled with audio talk-back systems. This experiment is ripe for expansion with Federal help. So far we have established 225 off-hour waiting areas out of a possible 427.

The value of certain other improvements can be more readily appreciated. One is improved radio communication. We have embarked on a \$13 million police radio improvement program, with another \$12 million for the train radio system. The police portion of the package includes new and better portable radios for all officers, new and improved consoles at headquarters and improved base stations for relaying signals. This program will go far to improving police radio communication, but there is more that can be done. If capital funding were available, we could extend our antenna capability, which now covers the tunnels to the street stairways and the more remote mezzanine areas.

Some capital needs are not readily apparent to the public but are vital nevertheless. I am referring to new and renovated police district facilities which contain lockers, detention cells, clerical areas, supplies, and muster rooms. We have 11 patrol districts, each roughly equivalent to a city police precinct. All have been renovated in recent years with the last of these jobs expected to be completed within 1 year, but there is a real need for renovation of two other headquarters facilities used by our citywide units, and the construction of headquarters facilities for three additional districts. This is necessary for the more effective deployment of our enlarged force.

There is a significant role for the Federal Government to play in the funding of capital costs to fight subway crime. The transit police, and I

am sure the subway riding public, applaud your efforts, Senator, in working to make these new funds available.

SECURITY RECOMMENDATIONS

We have a very brief slide presentation which I would like to show you. I'll have Detective Jim McCue and Detective Burnie Jacobs of our crime prevention unit show you some of the slides that indicate some of the security recommendations that have been made and implemented thus far.

[At this time there was a slide presentation.]

Mr. MEEHAN. I should add just one point: Those police officers that you saw watching the close circuit television were all restricted duty officers. They were not full duty officers sitting, watching them. They have subsequently been replaced by restricted duty members of the transit authority, bus drivers, and train motormen that are not available for full duty.

Senator D'AMATO. Chief, let me ask you, of the 458 stations where they said that they expected half of them to be completed with the lighting systems, the alert, where they should stand and what not——

Mr. MEEHAN. The off-hours waiting areas.

Senator D'AMATO. Yes; has that been done?

Mr. MEEHAN. No, sir. We have about 200 of them, a little bit over 200 that have been completed, and there's another 200 to go.

Senator D'AMATO. What about the alert lights? What do you project for that to be undertaken? Is that being undertaken now?

Mr. MEEHAN. The red, green, and yellow lights?

Senator D'AMATO. Yes.

Mr. MEEHAN. I suspect that's been pretty nearly completed all over the system.

Senator D'AMATO. Do you have any studies or any indications with respect to the effectiveness of those lights?

Mr. MEEHAN. No; it's difficult to try to do a study to determine whether they've been effective or not in terms of preventing any crime, but we have a sense that the public is still trying to understand them.

Senator D'AMATO. Sort it out?

Mr. MEEHAN. Yes, sir.

I think as time goes on they will become more and more aware of exactly what those lights mean. You have to concentrate on it. Red and green is kind of simple, it's the yellow light that gets a little bit confusing. And as they begin to understand it and utilize it and go to those locations where you can go and enter the system where there is an individual present, I think that it will be more effective.

Senator D'AMATO. How much crime, chief, if you can break this down, is committed while people are waiting for the train, in other words on the subway platform or going down the stairs, as compared to crime committed on the train itself? In other words are you safer on the train? Are there less assaults, more assaults, more crime on the train?

Mr. MEEHAN. Well, the breakdown is usually about 60-40: That is about 40 percent takes place on the train and about 60 percent takes place someplace in the station complex. Now that can be all the way from the first step that you take down on the stairs from the street; 15 percent of our crime, of our felony crime, occurs on the first-level stairway between the street and the mezzanine. But it's approximately a 60-40 breakdown: About 40 percent on the trains and about 60 percent platforms, mezzanines, and stairways.

CLOSED-CIRCUIT TELEVISION

Senator D'AMATO. How effective is the closed-circuit television system that you've installed?

Mr. MEEHAN. We have different systems: We have two saturation systems, one at 59th Street and one at 42d Street; that is a large number of cameras covering the whole station.

The first study we did of 59th Street showed it to be not too effective, frankly. We were disappointed in the results. The 42d Street station had already been under construction and was subsequently completed.

There are 140 cameras, approximately, at 42d Street and about 110 or thereabouts at 59th Street. The results at 42d Street appear to have been better. We're getting a fair number of observations by the people that are watching the system and observing conditions that indicate the need for a police officer: people taking sick, people being assaulted, or people loitering.

Senator D'AMATO. Even prior to an assault?

Mr. MEEHAN. Pardon me?

Senator D'AMATO. Even prior to an assault?

Mr. MEEHAN. Yes, sir.

Senator D'AMATO. Suspicious conduct by groups of people?

Mr. MEEHAN. That's right. People loitering about; people hanging about; people acting in a disorderly manner. These incidents have been observed by the people that are watching the cameras and they've been able to dispatch police officers in some cases before a crime has occurred, in some cases as the crime has been occurring.

There's one net drawback to saturation of CCTV, and that is the large manpower cost in terms of staffing the monitoring rooms, and that's probably one of the reasons we'd have to look very closely at an expansion of that.

We are using though, the off-hour waiting areas, the first ones that we installed in the system were in areas where the off-hour waiting area could be under the visual observation of some member of the authority, either a token clerk or a dispatcher. After we ran out of locations where that was feasible, we started putting off-hour waiting areas in locations where there was nobody to observe the people that were waiting. And we're experimenting with two limited closed circuit TV installations. Just two cameras that could be watched by a token clerk or by some other person working for the authority on that station. We think that

has a potential for expansion and is feasible and has a reasonable prospect of being a crime deterrent.

MULTITUDE OF PROBLEMS

Senator D'AMATO. Well, chief, there are no easy answers to this. Certainly this hearing demonstrates that there are a multitude of problems. The number of officers that you have, their deployment; old facilities; and nooks and crannies which your film demonstrated should be closed up, because people who would commit crime feel that they can get away with it in these spots. Let me commend you for undertaking the kinds of things that you are doing. Otherwise I fear that the problem would be far greater than it is.

I perceive the crime problem to be the greatest challenge to our mass transit system. There are tens of thousands of personal assaults of varying degrees, whether it's the sexual assault that people endure almost quietly with great indignation but with little they can do, to the more visible assault, with someone striking another person or using a weapon. A solution is going to require, in addition to the kind of dedicated effort that our police can muster, a criminal justice system that responds much more adequately than it has. I take issue with anyone who wants to say that our criminal justice system is working well. It is a disgrace and it's scandalous that we have permitted it to deteriorate over the years to the point where it is now. There's no press here and I'm not just picking that up, I'm simply telling you what I believe to be the case. But it also is going to take a citizenry that is not afraid to exercise its responsibility as well.

Let me ask you this: You make these sweeps and arrest or give summonses to hundreds of people. How do you distinguish those whom you'll give a summons to from those whom you will arrest? If you had your druthers, would you incarcerate more than you presently do?

Mr. MEEHAN. Well, if I had my druthers I'd incarcerate a lot more people than we now incarcerate.

Senator D'AMATO. I'm talking about the ones you've identified for committing some violation or some crime.

Mr. MEEHAN. What we do when we do a sweep is anyone that's picked up for any violation whatever, and the majority of people are obviously picked up for fare evasion, we check to see if we have had them before as a fare evader, or if they have ever been arrested before for anything on the system. If they have been, then they get arrested again. If they have not been, then they are just issued a summons and released. And that's the way. We also check to see if there's any outstanding warrants. We check that.

Senator D'AMATO. Is that computerized, that kind of information?

Mr. MEEHAN. It was, up until about 2 years ago, and then we began to generate such significant numbers of summonses in this particular area that we kind of ran out of computer space. So it is not completely computerized.

Senator D'AMATO. If we were able to, would you be willing to submit a demonstration project so that we could computerize the results of those sweeps, to ascertain prior records, outstanding warrants, et cetera. Would that not be a great dividend?

Mr. MEEHAN. I think that that would be worth a demonstration project to determine.

Senator D'AMATO. Wouldn't they make your sweeps that much more effective?

Mr. MEEHAN. Yes, I think so. It would certainly speed up our ability to process people while we were doing it and also to make a complete determination as to whether the individual we had was someone we had prior.

Senator D'AMATO. So let me ask you if you wouldn't undertake possibly making that kind of application for a project?

Mr. MEEHAN. I will.

Senator D'AMATO. Good. And if you stay in touch with us, we'll see what we can do to assist and to monitor that application as it makes its way through the bureaucracy.

Mr. MEEHAN. We will, yes.

Senator D'AMATO. Thank you very much, chief.

Mr. MEEHAN. Thank you, Senator, and thank you to your staff.

Senator D'AMATO. The next witness is John Lawe, international vice president of the Transport Workers Union.

John, how are you?

Mr. LAWE. Fine, Senator.

TRANSPORT WORKERS UNION

STATEMENT OF JOHN E. LAWE, INTERNATIONAL VICE PRESIDENT

Mr. LAWE. First of all let me, on behalf of our 36,000 members, thank you for your efforts on our behalf and on behalf of mass transit generally. I think that what's been done here today is one of the more important aspects of the whole operation.

I would like to commend Chief Meehan and Bill McKechnie and all of their members for the job they have been doing to try and stem the crime. The only problem is they don't have enough members, and I hope that will be remedied soon.

Senator, I didn't come with a prepared statement, because if we started to write we wouldn't know where to stop. We have been living with the crime that you have heard about here today, and I know that you were aware about for a long time. And you are the first one that has moved to really do something about it since 1980.

In 1977 we in the Transport Workers Union were aware that crime was on the rise, but nobody would listen to us then. And by way of demonstration, this is dated The Daily News, Wednesday, February 9, 1977: This is one of the full-page ads that we took in the three leading newspapers in the city, which were The Times, The Post, and The News. And I'll make it available to your staff. We tell about the statis-

tics, the rising statistics, at that particular time, that we thought had not been addressed sufficiently. And at that particular time our members were the victims and they still are.

We talk about crime, we are alarmed about it, and certainly crime is what deters—and you've stated that many times today—the use of a mass transportation system at this time. And of course I must sympathize with the passengers that are forced or have to ride day in and day out. Well, then, you have to think of the people who work in that environment for 8 or maybe 10 hours a day, and are exposed to the same thing that we heard the three victims describe here today.

I have here some statistics that I am not going to go into. But just to give you some idea, for 1983 alone those are all victims. They are our members. They are victims of crime perpetrated either on buses or in the subway and the man here on the right is a conductor and I don't know his story, but he may like to relate it himself. I will make this available to your staff, Senator, or anything else that is needed.

We have, and I could go on, crime after crime. And I heard one of the victims, the young lady sitting on my left here a while ago, and she said that more often than not that somebody like the man that was sitting on the right, "We were protected." And of course that really is not true, and I am sure that the young lady was excited and she feels that only the passengers are the victims, but unfortunately our members are continuously victims.

ATTACK ON RAILROAD CLERKS

I could go on and relate horror stories to you. One in particular is brought to mind that certainly will never leave my mind, and that is a young woman, she is about 28 years of age, and was, I believe, at 148th Street and Lenox Avenue, she was doing her job as a token clerk, and three thugs came along the scene and directed her to turn over her money, and she wasn't moving fast enough for their liking and one pulled a gun and shot her through the eye. That young woman never will see again. Not only that, but she lost her sense of taste as well.

Bob Fulton, who is sitting on my left, is the vice president in charge of the railroad clerks, token clerks as they're sometimes known, and Bob has taken her to our office. We have taken her to different demonstrations, to different areas, to the hospital. We visited her in the hospital. And she is trying to bring up a young boy with this handicap. Bob could tell you in more detail than I can about what has happened particularly to the railroad clerks.

We many times read about the insolence, sometimes justified and sometimes not, of the railroad clerk, but we seldom hear, and it was demonstrated here today, that if it wasn't for the action of the railroad clerk, that a situation might have indeed been worse. And I believe one of the three victims indicated that. But we had a situation out in Queens where one of the railroad clerks doing her duty reported three vandals, or three farebeaters where they were jumping the turnstile, and to get revenge they came back with a gallon of gasoline and they set that booth on fire with that poor woman inside.

Mr. FULTON. Two, there were two women.

Mr. LAWE. And there was another one.

Were they both in the same area?

Mr. FULTON. Yes; they were both in the same building.

Mr. LAWE. They were both in the same booth, those two women. I believe one of them is dead—

Mr. FULTON. Both of them are dead.

Mr. LAWE. Both of them are dead.

There have been several of our people killed. You read about the Brooklyn bus driver who wasn't moving fast enough to supply a transfer to a thug that got on. The thug pulled a gun out of his pocket and he shot him dead. And we could go on and on with the horror stories.

So that if anyone is relieved to see an attempt being made, and I hope successfully, to stem this tremendous wave of crime that we have in the subway, it is our members and the people that continually work there.

TECHNIQUES TO BETTER DEAL WITH CRIME

Senator D'AMATO. John, let me at this point ask you and your associates if you might have any suggestions for this subcommittee because, again, we are responsible for appropriating large sums of money, billions of dollars, to come into the mass transit system. So we have an investment on the capital side, the financial side, as well as, obviously, a strong inclination to see to it that our society is one that is not plagued with this kind of terror, the fear of crime. What suggestions, if any, would you make to augment those that you have heard. We've heard many. If you or, again, your colleagues might have any, we'd be interested in hearing them. What techniques might be employed or variations of things that are taking place now, to better deal with this problem?

Mr. LAWE. Yes; I think that's a very good question, Senator. I watched with great interest the chief, some of the demonstrations, you know, where we closed off this alley and we closed off that alley and any crevice or place where the criminals might be—that is not the answer to our crime. We are deprived of using the system the way it was intended or the way it was built simply because we have allowed the thugs to take it over. And I want to congratulate the chief again; they are doing the best they can. But closing those booths and closing up those areas is not the answer.

I was very happy to see Ralph Stanley here and the other people from UMTA, so that they will get first-hand knowledge of what we are living through here in New York. And you know it's great to hear about the Atlanta system and all of the other new systems that have built-in surveillance that we are aware of. I heard somebody from, I think it was Atlanta, talk about how effective their system was, that somebody put out a cigarette and littered on the platform and all of a sudden he hears a voice, "You are in violation of the law. Put that cigarette out." And he looks around, and there's nobody there but a monitor because he's been observed. Now that is a deterrent to crime.

Our system is old. We need the money. We have to get surveillance systems like this, but more than that. I read with great interest, and by the way I want to welcome Dave Gunn here to New York and I am looking forward to cooperating and have our people cooperate with him to do the job, because there's a big job to be done. But I was very interested to see that one of his statements was that when he went in in Philadelphia, when he took it over, the first thing he did was to increase the police force, to double the police force. I don't know where he got the money, but it's good that he was able to do that. And I was on a program recently, and it wasn't a flip statement, I said that I hoped that Dave Gunn was able to do exactly the same here because in my opinion that's what it's going to take. We must continue to lock up those criminals. Not only that, we must see to it or keep encouraging the judges to impose sentences that will deter this.

MORE POLICE NEEDED

I hope that we get more police. We have to have more police. I think your question was what do we suggest should be done? We must have more police. That will be effective. I think the sweeps are great but they're not enough, they're coming back.

We had a system, Senator, and in the interest of savings—now, let me address that for 1 second. You know, it's fine and I don't think that anybody wants to waste money, but you are not going to bring our system back if you are going to continue to watch that dollar. We must get rid of the crime. We must do the other things, maintain it properly, to bring back the public and let them use the system that is the life blood of this city. This has got to be done.

We had platform conductors for many, many years that were on the platform every day in uniform. They closed the doors to give people directions. In some cases if the kids were unruly they stayed close to them and it certainly had its effect, and they were a crime deterrent. And for some reason two members of the board happened to be riding the subway one day, and they were looking around, and there were two of our platform conductors not busy because there was no train coming in, you see. And they decided, "Well, what are those two guys doing here? They've got no work to do." The train might have just left. Or maybe during the rush hour they certainly could be used. So their recommendation when they went back to the board was, "We don't need those people, we can get rid of them."

REINSTATE PLATFORM CONDUCTORS

We took that case to the impartial arbitrator and we pleaded with him, "Don't do it. As soon as you do it the crime is going to go up." The crime went up 15 percent as soon as you removed the platform conductors. We asked them to reinstate them, and I am going to recommend that now, Senator, that if they are reinstated, given a two-way radio, walkie-talkie, whatever you want to call it, that they can reach the nearest policeman and alert them as to a criminal element or whatever else is going on there. Those are some of the things.

We are willing, our members are willing to participate. And it has been demonstrated at those hearings where our railroad clerks have done a herculean job in reporting crime. They have cooperated above and beyond the call of duty in most cases. We want to continue to do that and do more. I would say that those monitors that we saw, that the chief talked about, a lot of our injured conductors and bus drivers, the result of crime, they are now manning those monitors, and in all those areas we can be helpful.

I can assure you, and I am sure you recall very well, in 1980 when Senator Camera, I believe he was the Senator, at that time we had a conference, a transit conference, on crime here in New York City. And at that time there were some resolutions submitted by our union. As a matter of fact I can make this available to your staff, where there was a six-point package: The creation of a separate transit crime part within the New York City court system, and I believe that is what your aim is, Senator, and I would make all this available. But there is nobody more relieved than we are to see that an attempt is being made—with the support of the mayor, I might add—because when we tried this before, we did not get the support.

I think that the Federal funds, the UMTA funds, could not be used for a better purpose. And I know that, Senator, you will do your part, but I don't know if the UMTA people are still here, but I would plead with them, the knowledge that we have day in and day out in dealing with this criminal element, and we have to work in the middle of it, there is nothing more important. We guarantee you, and I make a commitment, that if we are able to rid this system of crime, and Dave Gunn when he comes in, if he wants to work with us in cooperation, we promise you that we will do what we can to bring this system back to the once proud system that even I knew it in the fifties and sixties, when we had clean, safe, efficient service, and I can't wait to see that happen.

I want to thank you again for your efforts on our behalf. And I am sure that we will be able to see that day come.

Now, with your indulgence—maybe you have some questions, Senator, I don't know—but with your indulgence I would ask this young man on my right if he would just briefly relate his experience.

Does he have to give his name?

Senator D'AMATO. He can use another name or his own name, it's up to him.

STATEMENT OF TERRANCE VAN EXCEL

Mr. VAN EXCEL. Senator, my name is Terrance Van Excel. I am a conductor.

On the morning of Friday, December 30, I left the Woodlawn Station—that's the No. 4 train that runs on Jerome Avenue—at 2:38. So the incident that happened to me took place at approximately 2:50 in the morning.

What happened was when we came into the 183d Street station, a gentleman got on the train in the car adjacent to mine. As the train was

pulling out I noticed a dog on the platform. At the same time the gentleman approached me and said, "Hey, you left my dog. You left my dog." To which I replied, "You have no right with a dog on the system anyway, what do you want me to do?"

He told me to stop the train. I explained to him that no, I could not do that, there was not a station available for him to walk on. He replied that he wanted to get down on the tracks and go back to get his dog. So I told him that what he must do is wait until we get to the next station so that he could get off and go back and get his dog if he wanted to, at which point he walked away from me mumbling about his dog. So I walked away from him to the next car so that I could open up on the next side at the next station.

When I opened up I looked out the window and I didn't see this guy get off the train. So I stepped back out of the car, at which time he was coming through the storm doors between the cars toward me. I said to him, "I thought you said you were getting off. Are you getting off or what?"

At which point he said to me, "Yeah, I'm getting off, but first I want to tell you something. You left my blank-blank dog." When he said dog he stabbed. I was able to get my arm up so that I didn't receive the wound to the body, but to the arm right below the elbow and it exited above the elbow. Luckily, I don't think I suffered any permanent damage. I'm still under the doctor's care.

I'd just like to say this also: For whatever reason, there was no police officer on my train that morning.

Senator D'AMATO. We heard testimony that basically 9 out of 10 of the trains, or something like that, 8 out of 10, have a police officer early in the morning.

Do you find that to be basically the case?

Mr. VAN EXCEL. Is that directed toward me, Senator?

Senator D'AMATO. Anyone.

Mr. VAN EXCEL. From my experience—I do work midnights—generally there are police on the train, but quite often, as you approach the end of the line, the officer may have gotten off to give a summons or he may have gotten off to switch trains so that he can head back north rather than south or vice versa. But there are times when I personally feel very threatened because during the hours that I work I generally see a great deal of thugs and just people riding, you know, apparently homeless people, and it's a pretty frightening thing not to have a policeman on the train.

WALKIE-TALKIE SYSTEM FOR CONDUCTORS

Senator D'AMATO. Do you have a two-way radio system to communicate. Do you have a communication system so that you can reach someone else if you are under attack?

Mr. FULTON. The motorman has. The conductor can only make contact with his motorman, but the motorman does have a two-way system.

Senator D'AMATO. The motorman has a two-way system back to the——

Mr. FULTON. To the command center.

Senator D'AMATO. To the command center.

Does the conductor have at least a system to the motorman?

Mr. VAN EXCEL. A buzzer system, yes.

Senator D'AMATO. Just a buzzer?

Mr. VAN EXCEL. Yes.

Senator D'AMATO. So you can't tell him, say, "Look I'm being attacked," or anything like that, can you?

Mr. VAN EXCEL. Well, I could tell him that on the PA, but that would be for everyone to hear.

Senator D'AMATO. Well, that's not bad, to let everybody hear it.

What about a walkie-talkie system? Wouldn't that be better for you?

Mr. VAN EXCEL. For me personally, that would give me——

Senator D'AMATO. For every conductor. Wouldn't that give better communication rather than your running to the motorman to tell him? Because right now he's the only one who can talk to the command center, you can't.

Mr. VAN EXCEL. Right.

Senator D'AMATO. Well, it seems to me that that's something that we should look at in terms of, No. 1, giving your employees more protection; and, No. 2, making it possible for them to get communications to police headquarters or whoever else for assistance. Wouldn't that be something that would improve the safety and security of the system?

Mr. LAWE. It certainly would. And if we could get more patrol on the platforms, whether it's by our injured people or by our conductors, whoever, with the two-way system, I think that would be well worth any money that would be spent on it.

I'll leave it to Bob Fulton. He's a vice president, and he has a brief statement to make.

STATEMENT OF BOB FULTON

Mr. FULTON. Well, Senator, I'm glad to be here and, most of all, I think we're all concerned about the crime in the subway. I've been in the system now for 36 years, as a railroad clerk that worked in the change booths. I have experienced what has taken place. I have been held up in the subway system in Times Square in the early fifties, and I know what it is to have somebody stick a gun in your stomach and say, "Give it to me." And I did, if I wanted to be here today.

However, I don't think people realize, as much as we talk about the crime in the system, what some of our people go through. The type of crime that they have to put up with. And when we talk about the railroad clerk in the booth, from the years 1981-83, we've had 745 of our stations that have been held up in one shape or form. And the types of holdups we have is the turnstile theft; tokens snatched when the railroad goes out and pulls the tokens from the turnstile; we have the armed holdup—this is where they are involved with shotguns, pistols—we've had hundreds of those type of holdups; we've also had

what we call a fire bombing, liquid substance, where the culprit comes down and shows you a bottle and says, "If you don't open up the booth door I am going to spray." And we've had incidents in various areas—and this has actually happened—where the culprits have sprayed a booth and set it afire and our employees have, in some cases, been reluctant to come out because they are afraid that the culprit is going to shoot them. But my words to all of my people in that change booth, "Once somebody says they're going to squirt, put, or set, get out of there because your life means more than what's in that booth."

We also have the question of dynamite. We've had at least 20 cases over the past few years where the culprits have come with a stick of dynamite, and I am not exaggerating, actually a stick of dynamite, indicating, "If you don't open up this booth door, we are going to blow it up."

And attempts? There are hundreds of attempts. The attempts are made by the culprit. The reason for that deterrent, we have formed for many years with the transit authority a communications system. This took many years to get and we finally have it. It's working. It has a great deterrent to crime. It protects the citizens that have a problem. It protects the train patrolman if he has a problem.

LOUDSPEAKER SYSTEMS

Senator D'AMATO. Do you have a loudspeaker system in those booths?

Mr. FULTON. Yes; we can talk to the passengers from within.

Senator D'AMATO. Right on the platform you can speak to them?

Mr. FULTON. Well, actually it's in the booth itself.

Senator D'AMATO. No, no. Can you speak to the platform? Can you, for example, if you had a closed-circuit television on the platform that was upstairs or downstairs or on the side, obviously the clerk can't be watching it all the time—

Mr. FULTON. Of course not.

Senator D'AMATO [continuing]. But certainly when, on the slow hours, the off-peak times, if you have someone there, and you have a communications system, and you have somebody who in addition to watching the monitor can say, "I see what you are doing and we know who you are," et cetera, you know, it becomes pretty much of a deterrent.

Mr. FULTON. That's a good deterrent.

The communications system that we have in the booth now, yes the passenger can hear you up to a certain point. I'm not saying it's going to go down the total platform.

Senator D'AMATO. You don't have a loudspeaker system?

Mr. FULTON. Not total. That comes from the tower or the command center which may have this certain system on certain stations within the system.

Senator D'AMATO. It seems to me there's a lot of work that has to be done and should be done.

Mr. FULTON. Definitely. Work and money.

Senator D'AMATO. I think it's a whole lot of money, but I think certainly to give people some security—

Mr. FULTON. You know the old story, Senator, you've got to put money in the pot to get something out of it.

Senator D'AMATO. Well, let me just say this to you, and I thank you because the hour is growing late and we have Bill McKechnie here who we want to hear.

I want to tell you, if we don't use the modern techniques that we have and just simply good communication—whether it's the officer on the beat, whether it's the conductor, whether it's the platform person who can raise a cry that someone is being attacked, and summon help—we're going to lose the whole system. My own sense of it is that crime is the number one problem. In spite of the fact that statistics show crime is going down; the situation is not improving much. I think it's terribly important to get the recidivists off the street. And I think the criminal court system has to be made to work. They should have a criminal court part just for transit crime that will develop and maintain its expertise. There must be a computer system. I think it's incredible that the transit police have to work without having a computer system when they round up as many as 1,000 people in a night. How do you check to see whether or not there are other warrants out for an individual's arrest? Whether he or she is a recidivist? To do it by antiquated methods is an absolute waste of valuable time and cuts down on the efficiency of that department.

So I think there are lots of things that don't call for big money, but call for an investment of some funds, some ingenuity, and some modern techniques that could make the system much better. It's absolutely essential.

Mr. LAWE. I just want to make one observation, Senator, and I think your theme has been today that people are not using the subway because of crime, and that's very, very true. I had one of my bus operators—

Senator D'AMATO. I think they're using it, but not nearly as much as they would ordinarily or should. It is the best transportation system in the world.

Mr. LAWE. Right. That's exactly the point I want to make.

One of my operators came in yesterday, into my office, and he said, "I counted 36 vans in Brooklyn, loading people up to take them through the tunnel to New York City." Now I am sure that this is at a cost of about \$2.50 to \$3.00 a head, and they're illegal. Most of them are illegal. Unfortunately, some of them have been funded by UMTA. Most of them also are second dippers. They're coming in. They're traveling the city streets. We have almost a gridlock, you made reference to that before. And if we had our system clear of crime and we were providing the service for the people, we would be able to avoid a lot of that.

Thank you very much, Senator.

Senator D'AMATO. Thank you.

William, thank you for staying as long as you did. Bill McKechnie is president of the New York City Transit Police Benevolent Association. I thank you for your participation and your tenacity in sticking it out.

NEW YORK CITY TRANSIT POLICE BENEVOLENT ASSOCIATION

STATEMENT OF WILLIAM L. MCKECHNIE, PRESIDENT

Mr. MCKECHNIE. Good afternoon, Senator. Thank you for inviting me here to testify.

For the record, let me state that I represent the over 3,000 police officers who risk their lives daily to protect the riding public, both on and off the transit system.

I have a brief statement I'd like to read, and then make myself available to you for any questions or comments.

The transit police department is responsible and charged with policing the largest and most complex transportation system in the country. The members of the department are hired by the transit authority, however, we are funded not by operating funds within the authority, but by 100 percent tax levied funds paid to the authority by the city of New York.

In my testimony I will attempt to identify the crime problem in the New York City subways and what I believe the Federal Government can do to help reduce that crime. Some of the areas which I will attempt to address are: Equipment needs; manpower needs; deployment practices; special transit courts; and penalties for subway crimes. I might add, most of these have been addressed this morning. I will just try and highlight some of the things that have been said, or what I think hasn't been said.

As stated, our subways are the largest and oldest in the country. They are used by over 30,000 employees and by over 3 million people daily. The transit system was designed for just that, transportation; therefore, the original architects did not design the system with crime prevention in mind.

INADEQUATE STAFF AND EQUIPMENT

It is undeniable that more often than not, the subways are the fastest way to travel in our city. And all of the individuals who have testified before me have an obligation to make it the safest way to travel. This cannot be done unless the agency who is charged with the responsibility of policing our subways is adequately staffed and equipped. Presently this is not the case. We are operating with a radio communications system that is at best inadequate. In 1969 when it was installed with Federal funds, it was inadequate. The years have only further eroded its capabilities. The transit police department is well aware of the inadequacy of its own system in that they have identified over 200 locations which they have termed "dead spots," where an officer can neither transmit nor receive communications.

Sometime before 1978 the Urban Mass Transportation Administration allocated some \$14 million to improve our radio communication system. To date that work has not been completed. I might add I just found out we won't have this system installed until probably sometime early in 1985.

Senator D'AMATO. What system is that now?

Mr. McKECHNIE. Pardon?

Senator D'AMATO. The system you're talking about?

Mr. McKECHNIE. Supposedly the improvement of the current system that was installed in 1979. This is the funding that was allocated by UMTA sometime prior to my taking office, which was in 1979. There's \$13 million floating around somewhere, which I'm sure cannot purchase today what it was allocated for in 1977.

Senator D'AMATO. Maybe our Regional Administrator—is he still here? I'd like him to find out where the \$13 million for communication is.

Mr. McKECHNIE. Well, the answer I get from my agency every time I ask is, "It's being spent." God forbid if it takes us 7 years to spend \$13 million. My wife can do that in about 2 weeks with my checkbook.

Senator D'AMATO. I would like to find out where the money is, particularly if we've allocated it, I want to see where it's going. I want to get an answer to that question.

Mr. McKECHNIE. One of the concerns I have is that the reports I've received from my people indicate that the new system may be as ineffective as the one that it will some day replace, and we may find ourselves in the same position we were in 1979.

Senator D'AMATO. Why is that?

PROBLEMS WITH NEW RADIO

Mr. McKECHNIE. Well, it's been indicated to me, No. 1, some of the equipment within the equipment, that being the radio case that they're going to be carrying the radio in, requires two hands for an officer to get that radio off of his belt in order to be able to call for assistance or call for help for an injured passenger. If the officer is in a position of trying to apprehend a perpetrator of a crime, he can ill afford to use two hands to get to a radio and then have nothing to be able to control—

Senator D'AMATO. Have you called that to anybody's attention?

Mr. McKECHNIE. We've called it to the department's attention and they said, "That's what they purchased, that's what we'll use."

Senator D'AMATO. Well, they haven't purchased it yet.

Mr. McKECHNIE. I understand that the purchase order is in. It just hasn't been received as of yet.

Senator D'AMATO. Well, maybe we're lucky.

Mr. McKECHNIE. We're functioning with, I believe, about 30 radios now on a test basis.

Senator D'AMATO. And you must use two hands for the radios?

Mr. McKECHNIE. The department says that they can do it with one hand. Well, that's fine when we're sitting down at the conference table discussing it, they've showed me how they can do it with one hand. Well, I challenge any one of them to try and do it when they're wrestling with an individual.

Senator D'AMATO. What does the chief say?

Mr. McKECHNIE. The chief's representatives who I have met with say that if in fact we show them somewhere down the line that this is a problem, they will address it at that point in time. I think then that that's a waste of money and too late. There should be testing done on this equipment prior to its purchase.

Senator D'AMATO. Well let's ask the new chairman of the MTA to undertake this immediately, and I am going to ask my staff and this committee, as a result of the fact that this is money that we've appropriated, to contact him with regard to this very legitimate concern. We don't have to buy a radio system that's going to be less adequate or inadequate as the one we have now. It's a waste of money.

Mr. McKECHNIE. Well, let me say that I have a report here that indicates some of the problems in one of the commands where the radios were tested. And it says:

Extra length and weight cause discomfort in carrying. Swivel-hinge, breakaway feature of the carrying case causes the radio to shift back and forth, which hampers walking and running. The mike cord is too bulky, falls off shoulder while walking, and optional strap places the officer's safety in jeopardy. Two hands are needed to remove the radio from the case. This would cause a problem when radio is used without a mike and in an emergency situation.

Senator D'AMATO. I'm going to ask again if you would submit a copy of this report for the record in totality, and then give a copy of the report to our Regional Administrator, Mr. Dellibovi who is here, and let's ask him—

Mr. McKECHNIE. Could I ask, Senator, that due to the fact that this comes from a—the fact that I have this piece of paper could jeopardize somebody who gave it to me. So can I ask that the names be removed?

Senator D'AMATO. The names will be removed both for the record and in the transmission to Mr. Dellibovi. He will see to it that they are taped out when they photocopy it too, so that we don't jeopardize anyone for calling this matter to our attention. How much money are we talking about spending on these radios?

Mr. McKECHNIE. I don't have the slightest idea. I know that somewhere between \$13 and \$14 million had been allocated by UMTA.

Senator D'AMATO. For the record, Mr. Dellibovi has just walked in.

What Mr. McKechnie is talking about is, No. 1, for a number of years now, the purchase of this new communications system, has been held up—maybe that's a blessing. No. 2, there are now about 30 of these radios in operation. No. 3, they would appear to be less effective or just as ineffective as the system they have now because it takes both of an officer's hands to use it. You know, if you're under attack or you're rushing to somebody's assistance, to reach over with two hands to take out a radio presents problems. And of course they have waited so long that it's probably outmoded already.

I ask if you would not look into this matter being that there's a new administration. Take it to them as quickly as possible. Ascertain whether or not they do want to go forward with this. The top of the police side of it is that they're afraid, when the line officers bring it to them, they're afraid to do anything. They say, "Well, that's what the top brass ordered, so that's what we're going to use." Well that's nonsense. They may have ordered it, but it may not be appropriate.

We're talking about communication, of getting the emergency call, the distress call on behalf of a victim or an officer who may need assistance and we want to do this as expeditiously as possible. So I would ask you to personally look into this. Report back to this subcommittee as a whole, and to this Senator also.

Mr. McKECHNIE. If I might, Senator, one explanation I had been given, we had a change in the administration in the transit police from Chief Sanford Geralik to Chief Meehan, and in answer to our constant questioning as to when this radio system was coming, we were told that the original order that was placed by Chief Geralik was changed by Chief Meehan, and that a whole new bidding process had to take place. There was a change in the actual radio that they were ordering. So that was one of the delays of which I was notified. But I might add again, that was sometime in late 1979 or 1980, and I believe the system should have been in place before then.

It seems to me almost impossible to believe that a nation that can communicate with astronauts in space cannot provide a functional communications system for our subways. It would be my suggestion that moneys be provided to install an up-to-date functional communications system. That the Federal Government not only allocate the funds, but insure that the money is purchasing adequate equipment and that it is spent and installed in a timely manner, because there is no doubt that what \$14 million can purchase today, you will not be able to purchase 10 years from now.

ROLE OF COMMUNICATIONS

Communications and the ability to know immediately that a crime is being committed enhance the chance of apprehension, which in turn eventually leads to a reduction in crime. In the New York City subways we do not generally have that ability. The railroad clerks should have a direct communication with headquarters. Presently they disseminate information either by dialing a four-digit number or utilizing a phone which links them directly to their headquarters, and then the message is transmitted via intercom to the police. Besides the delay which can be critical, too much time can be lost, too much can be lost in translation. I believe that this can be accomplished at a minimal cost with maximum results.

The transit police communication system, because of supposed technical differences, cannot be integrated with the New York City Police Department communications system. All public phones in the subway are equipped with a free 911 dialing system, where a rider in distress can dial 911 and be patched in with the New York City Police

Department communication network without depositing a dime. If that rider is reporting a crime in the subway, the operator at 911 must dial the transit police via seven-digit phone number and vice versa, if the transit police headquarters are notified of a crime in the streets, they must dial 911, the same as a citizen. Years ago a tieline existed where either operator need only to push one button on the phone and be in instant contact with the other agency's communication center. Again, the time lost by dialing could mean life or death. I believe that a system should be installed whereby a telephone tieline would exist between the two agencies to provide for immediate communication and response. I believe that funding needed to accomplish this could be easily provided by the Federal Government.

CLOSED-CIRCUIT TELEVISION

Much has been said recently about the installation of closed circuit television cameras in the transit system. In some of the newer systems, such as BART in San Francisco and the Metro in Washington, D.C., this may be a good idea. But as I originally stated, the New York City subway system was built with transportation in mind, not crime prevention. I believe much of the money already spent in this area has been wasted, and I believe the agency knows it. It was interesting to note that when Chief Meehan testified today, he indicated it may not be the panacea that some people are making it out to be. However, when money was being offered to purchase such equipment, why turn it down?

In 1965 the transit police experimented with a closed-circuit TV, and it was generally agreed that it was not much of a crime prevention program or apprehension tool. The police officer on patrol, instead of watching a TV monitor, would be far more effective. Again, I believe the money provided for the purchase of most of this TV equipment may have been better utilized elsewhere.

There are many other areas equipment wise where I believe the Federal Government can and should be of assistance to transit police: Radio patrol cars; improving training facilities; equipment for our canine unit; capital improvements of reporting locations; et cetera.

SPECIAL CATEGORY OF ASSISTANCE

In October 1980 much of the aforementioned was discussed at the National Conference of Mass Transit Crime and Vandalism conducted by the New York State Committee on Transportation, in cooperation with the Urban Mass Transportation Office of Transportation Management. the very first resolution adopted at that conference resolved, "The National Conference on Mass Transit Crime and Vandalism urges the Congress and Federal administration to consider the creation of a special category of assistance to transit operators who have especially significant crime problems," I believe that's New York. Assistance provided should be used only for crime prevention programs, the specific programs to be determined by local transportation operators.

Such should be in addition to any capital funding or operating assistance currently provided and should be based solely on actual need.

LACK OF ADEQUATE MANPOWER

As I stated, in order for a police agency to be effective in its war on crime, it must be adequately staffed and well equipped. I have given you my thoughts on equipment. I think to stop there would be an effort in futility and a waste of money. As I will try and point out, statistically there is a direct correlation to the amount of police officers and the amount of crime. In 1975 the city of New York suffered a fiscal crisis. At that time some 486 police were laid off. From 1975 the transit police were reduced from a high of 3,200 police officers to a low of 2,100. I use this figure. I use a different figure than the department in that I use the rank and file police officers out on patrol, rather than the total complement of the agency because all due respect to Chief Meehan, who's in a blue uniform, he doesn't go out there on patrol.

During that same period of time, as we were losing personnel, we were losing our fight against crime, and the crime figures soared. In 1979 we were registering over 300 felonies per week. In 1982 the mayor of New York provided the funding for increased personnel and we restored the agency almost back to its 1975 level. In 1982 crime figures began to ebb, and it appears that we have started to stem the tide. One must remember when discussing transit crime that for the most part they are crimes against the people; therefore, the perception of crime in the subways is much greater than the actual numbers may indicate. However, during that time assaults against police officers rose dramatically. I heard a figure recently that in some part in the year of 1983 we had 600 assaults in the subway system at one point in time; at that time 300 of them were against police officers. In 1981 while there were only 2,100 police officers on patrol, assigned to patrol, only about 1,500 of them had assigned patrol functions. We encountered 997 injuries while on patrol, with 508 of them sustained while effecting an arrest.

You may say, "What does this all have to do with today's hearing?" Well, as I stated, there is a direct correlation between the number of personnel assigned to an agency and the amount of crime. It should be obvious that these figures should be startling. Why should the Federal Government expend millions of dollars for technological advancements and capital improvements when the agency lacks the personnel to take full advantage of it? I believe that the cause of many of these injuries, the public's fear of riding the subway and the perception of crime, is due to the lack of adequate manpower and the archaic deployment policies now utilized by the transit police.

In 1984 transit police are still utilizing 1950 deployment modes. By this I mean individual patrols. Transit police officers have more direct contact with the public on a given day than any other police agency in the country, yet they are still basically deployed by themselves. All police agencies in the New York City area utilize two-man patrols as the norm, with single patrols used as the exception as opposed to being

the rule. The blue uniform which we proudly wear is no longer held in the high esteem it once was. In fact there is an element in today's society that view it as a target. Assaults against police officers are on the rise all over, but much more where police officers patrol alone with inadequate communications. Police officers should be deployed in pairs. In areas where this has been done, assaults have substantially decreased, productivity improved, and their presence more visible to the riding public; therefore, two-man patrols deal with the perception of crime and the actual crime itself. I have always contended that two police officers patrolling in pairs can protect more people than a police officer lying in a hospital bed.

The agency has always argued that this type of deployment is a cost item, which it really isn't. Notwithstanding that, however, if the Federal Government was able to create a fund which would cover areas now covered in existing budgets, this would free up moneys for additional personnel which in turn could make two-man patrols a reality.

SPECIAL TRANSIT COURTS

Finally, I think that the courts and their reluctance to treat many transit crimes seriously must be discussed. Crimes which may be considered nuisance crimes are viewed as far more serious in the subways, by both the employees who work there and the citizens who use the system. It is understandable in that people have a feeling of being trapped while in the subway environment. For that reason crime is more significant when one feels he is a victim or a potential victim.

I support those who call for a special transit court. I might add I support Mario Merola's concept as opposed to Mayor Koch's. I agree with everything Mario Merola said in reference to, perhaps, decriminalizing farebeating, for instance.

In 1980, at the previously mentioned National Conference in Mass Transit Crime and Vandalism, that resolution was adopted, for a special transit court, and to date nothing has been done about it. There has been legislation submitted in Albany and my information has it that it just died out for lack of support.

In conclusion I would like to again thank the committee for allowing me to present my concerns. I really believe that the Federal Government can and should get involved to the extent possible to save our deteriorating transit system, and I cannot emphasize enough the priority which crime prevention should hold in that process. There is no doubt that crime is the No. 1 priority with the riding public. New Yorkers do not use our subways because of aesthetics, they use our subways because they must. Our subways are the fastest way to travel in this city, we have an obligation to make it the safest.

Again, I thank you for having me here and I stand ready to answer any questions and cooperate with the committee in getting anything done.

Senator D'AMATO. Thank you, Bill, and let me thank you for the observations that you made with respect to communications. I note that

there has been increase in the number of officers. I think that's finally a welcome relief, that we're headed in the right direction because the fact of the matter is that we simply must have more officers today. Today we have a society that unfortunately is more violent. We have more people who would violate the rights of others. As you've pointed out this has resulted in officers themselves increasingly becoming the targets of those who perpetrate some of the most vicious kinds of assaults on the public. So I commend the police officers, the transit officers, who are our frontline and who many times themselves in coming to the aid of victims, find themselves the subject of vicious attacks. I would think that two-man patrols, particularly in high-crime areas might prove to be very beneficial. I don't mean to inject myself into the position of bargaining or not bargaining, but it is understandable that if people are going to take on hazards, extra hazards, they should be prepared for it. Obviously two-man patrols in those kinds of situations would be far more effective, not only for their own person, but in terms of discharging, giving them the ability to discharge their duties.

So I thank you for your participation and for your patience.

Mr. McKECHNIE. Thank you very much, Senator.

NIAGARA FRONTIER TRANSPORTATION AUTHORITY

STATEMENT OF DAVID A. CASCIOTTI, MANAGER OF TRANSPORTATION, PLANNING AND DEVELOPMENT

Senator D'AMATO. The last witness has come all the way from Buffalo, where it is not snowing, to New York where it is snowing. But this is a mere spritz for you in Buffalo, because I think we're talking about maybe 6 to 8 inches here, so that's like nothing, right?

Mr. CASCIOTTI. That's right.

Senator D'AMATO. Buffalo, it's 18 or 22 inches.

Mr. CASCIOTTI. Thank you, Senator.

Chairman Gallagher asked me to convey his apologies for not being here, but due to a family emergency he could not make it.

I'm David Casciotti of the Niagara Frontier Transportation Authority. I know the hour is short. I would ask that the testimony we've prepared be written into the record and I will just briefly summarize a few points.

Senator D'AMATO. Fine.

Mr. CASCIOTTI. The design of our rapid transit has taken into consideration many if not all of these features that were mentioned today, in terms of protecting against security problems. Stations were designed with special two-way communication, both between the operator on the platform and the control center; closed-circuit television cameras for monitoring for the station, elevators, and sensitive areas of the station. The closed circuit television has the ability for video taping, for maintaining a record of any crimes being perpetrated. The cars themselves also have special features for our communication between the cars and passengers and the train operator and the control center. Passengers

have the ability to communicate with the train driver, who in turn can communicate with the control center. Also there are buttons on the outside of the train for when the cars are on the platform, that a passenger outside can communicate into the train itself. In addition, our board has instituted a police force that we are going to start developing now and we have requested some funding for the training of that force and for public information as to the safety and security features of our system.

I would open up to any questions that you may have at this point.

Senator D'AMATO. Do you have your own transit police, or will the various municipalities through which this system operates provide police protection?

Mr. CASCIOTTI. Our board has authorized the creation of a police force by the action of last month. We will be developing our own police force and training that force.

Senator D'AMATO. How many members do you anticipate you will be employing?

Mr. CASCIOTTI. I'm not sure, Senator, as many as necessary.

Senator D'AMATO. I think that's of critical importance to the system. Also, I'd suggest that it could be a very costly element to the system in that the combination of prudence, in terms of safety for the system and for its riders, and one for the economical situation must be carefully balanced. It certainly may well behoove you to depend upon the local law enforcement officers, such as Buffalo City Police, the Sheriff in Erie County and the other city municipal jurisdictions that might have access to the system. Although you may have passed this resolution, I would caution you—and I take no position one way or the other—but to be prudent, understanding that there is no Federal reimbursement in this area. I'd be very cautious in this regard.

PREPARED STATEMENT

Thank you, Mr. Casciotti, for your brief summary. We have your complete statement and it will be inserted in the record.

[The statement follows:]

STATEMENT OF DAVID A. CASCIOTTI

THE NFTA IS A MULTI-MODAL AUTHORITY CHARGED WITH THE RESPONSIBILITY OF DEVELOPING AND IMPROVING AIR, MARINE, RAIL AND BUS TRANSPORTATION AND DEVELOPMENT AND IMPLEMENTATION OF A UNIFIED MASS TRANSPORTATION POLICY FOR THE TRANSPORTATION DISTRICT COMPRISING ERIE AND NIAGARA COUNTY.

THE NFTA PRESENTLY OPERATES THROUGH NFT METRO SYSTEM, INC., A WHOLLY OWNED SUBSIDIARY, A FLEET OF 473 BUSES, IN A TWO COUNTY AREA ENCOMPASSING 1500 SQUARE MILES, OVER 46 ROUTES. NFT METRO CARRIES APPROXIMATELY 43 MILLION REVENUE PASSENGERS AND HAS AN OPERATING BUDGET OF APPROXIMATELY \$35 MILLION.

THE NFTA IS CURRENTLY CONSTRUCTING THE INITIAL 6.4 MILE SPINE OF A LRRT SYSTEM. THIS SEGMENT CONSISTS OF A SURFACE, ONE MILE, SEGMENT WITH THE BALANCE OF THE LINE UNDERGROUND AND SERVED BY EIGHT STATIONS.

TRANSIT CRIME IN BUFFALO HAS OF COURSE BEEN LIMITED TO THE BUS SYSTEM. HISTORICALLY, SUCH INCIDENCES OF CRIME HAVE BEEN EITHER ROBBERY OF THE DRIVER OR VANDALISM TO THE BUS ITSELF.

THE INSTITUTION OF EXACT FARE HAS VIRTUALLY ELIMINATED ATTEMPTS OF ROBBERY ON THE DRIVER. THERE HAVE BEEN VERY FEW INSTANCES OF ROBBERY ATTEMPTS ON THE PASSENGERS.

VANDALISM TO OUR BUSES HAS CONSISTENTLY BEEN GOING DOWN OVER THE PAST EIGHT YEARS. IN 1976 WE INCURRED \$74,000 IN VANDALISM TO OUR BUSES AS COMPARED TO \$20,000 TODAY.

WE ATTRIBUTE THIS REDUCTION TO THE USE OF DIFFERENT MATERIALS IN OUR NEW BUSES COMPARED TO THE BUSES BEING REPLACED. WE ARE USING PLASTIC SIDE WINDOWS IN OUR ADVANCED DESIGN BUSES COMPARED WITH SAFETY GLASS. UPHOLSTERED SEATS OR SOFT SEATS HAVE BEEN REPLACED WITH HARD PLASTIC SEATS TO MINIMIZE DAMAGE.

WE HAVE INSTALLED A REPLACEMENT RADIO SYSTEM WHICH INCORPORATES AN EMERGENCY SILENT ALARM SYSTEM WHICH IS ACTIVATED BY A DRIVER'S SWITCH. THIS ALARM IS RECEIVED BY OUR CENTRAL DISPATCHER WHO CAN ALERT THE APPROPRIATE POLICE AGENCY. FOR A LESS SERIOUS SITUATION, THAN MIGHT CALL FOR THE USE OF THE SILENT ALARM, THE DRIVER CAN CALL-IN TROUBLE ON THE RADIO.

OVER THE YEARS THERE HAS BEEN EXCELLENT COOPERATION AND RESPONSE TO OUR CALLS FOR ASSISTANCE BY THE VARIOUS POLICE AGENCIES.

FOR THE BUFFALO LRRT SYSTEM TO BE SUCCESSFUL BOTH IN TERMS OF ATTRACTING AND KEEPING PASSENGERS, WE MUST PROVIDE AND INFORM THE PUBLIC OF THE SAFETY AND SECURITY OF THE SYSTEM. SECURITY IS PROVIDED BOTH AS A FUNCTION OF THE DESIGN OF THE SYSTEM AS WELL AS THE MONITORING OF THE SYSTEM DURING OPERATIONS. PUBLIC EDUCATION WILL

BEGIN NOW, BEFORE REVENUE OPERATION, AND WILL BE A CONTINUING EFFORT ONCE WE BECOME OPERATIONAL. KEY TO THIS EFFORT IS THE CREATION OF A TRANSIT POLICE FORCE. THE FORMATION OF WHICH WAS COMMENCED BY THE ACTION OF OUR BOARD OF COMMISSIONERS ON JANUARY 9, 1984.

THE LRRT MANUAL OF DESIGN CRITERIA, PROVIDES FOR SYSTEM SECURITY FACILITIES, ORGANIZATION, MANNING AND PROCEDURES WHICH WILL PROVIDE:

1. VISIBLE AND EFFECTIVE PROTECTION OF PASSENGERS AND EMPLOYERS FROM CRIMES AGAINST PERSONS;
2. PROTECTION OF PROPERTY FROM THEFT, VANDALISM AND SABOTAGE;
3. PROTECTION OF FARES AND RECEIPTS FROM THEFT AND MISAPPROPRIATIONS BY PERSONS EXTERNAL AND INTERNAL TO THE PROPERTY'S ORGANIZATION;
4. RAPID AND EFFECTIVE RESPONSE TO CRIMINAL EMERGENCIES AND;
5. DETERRANCE, DETECTION AND REMOVAL OF TRESPASSERS FROM THE PROPERTY

SPECIFICALLY, THE TRANSIT STATIONS ARE DESIGNED FOR MAXIMUM UNOBSTRUCTED LINE-OF-SIGHT VISIBILITY, MINIMUM PLACES FOR CONCEALMENT, AND TO BE WELL LIGHTED BOTH INDOORS AND OUT. UNATTENDED STATION DESIGNS SHALL PROVIDE, GENERALLY IN THE FOLLOWING PRIORITY SEQUENCE, FOR SURVEILLANCE OF ELEVATORS; OF VENDING AND FARE

COLLECTION AREAS; OF PLATFORMS AND TRAIN DOORS; OF STAIRWAYS, ESCALATORS AND RAMPS; AND OF WAITING, ENTRANCE AND EXIT AREAS.

STATION DESIGNS HAVE NOT PRECLUDED A MEANS OF CLOSING OFF PORTIONS OF THE PLATFORMS, WAITING AREAS, ENTRANCES AND EXITS, AT TIMES OF LOW OCCUPANCY. AREAS OF PASSENGER CONCENTRATION WERE DESIGNED TO MAXIMIZE SURVEILLANCE.

CLEARLY VISIBLE DIRECTION SIGNS WILL BE USED TO GUIDE THE PASSENGERS TO THE DESIRABLE AREAS OF THE STATIONS, AND TO KEEP THEM AWAY FROM RESTRICTED AREAS (E.G., TRAIN CONTROL ROOMS, ELECTRICAL ROOMS).

AREAS ADJACENT TO STATION ENTRANCES AND EXITS ARE TO BE WELL-LIGHTED. PEDESTRIAN WALKWAYS ARE CLEARLY VISIBLE FROM STATION LOBBIES, BUS WAITING AREAS, OR FROM THE STREET.

FREE AREAS ARE MINIMIZED TO REDUCE LOITERING AND HARASSMENT. PAY TELEPHONES ARE PROVIDED IN BOTH PAID AND FREE AREAS.

PASSENGERS' STORAGE LOCKERS ARE NOT PROVIDED. EMPLOYEE LOCKERS ARE LOCATED IN AREAS TO WHICH EMPLOYEES DO NOT HAVE ACCESS.

STATION DESIGN PROVIDES FOR CLOSE ACCESS TO ENTRANCES/EXITS BY EMERGENCY VEHICLES AND EQUIPMENT; AND FOR FAST PASSAGE THROUGH THE STRUCTURE BY EMERGENCY ASSISTANCE PERSONNEL AND THEIR EQUIPMENT.

RESTROOMS IN PASSENGER AREAS ARE LIMITED TO SINGLE OCCUPANCY WITH SUPERVISED ENTRY CONTROL.

CONCESSIONS ARE PLACED SO THAT THEY DO NOT IMPEDE TRAFFIC FLOW OR AFFORD AREAS FOR CONCEALMENT.

SPECIAL PRECAUTIONS SHALL BE TAKEN TO PROTECT AGAINST THEFT DURING REVENUE COLLECTION OPERATIONS.

SECOND ONLY TO THE PHYSICAL PRESENCE OF A TRANSIT SECURITY POLICE, THE CLOSED TELEVISION (CCTV) IS THE MAINSTAY OF PROVIDING A SENCE OF SECURITY TO THE PATRON. AS SUCH, THE LRRT WILL INCORPORATE ITS USE TO THE GREATEST EXTENT POSSIBLE. ITS PRESENCE WILL BE OBVIOUS, AND ITS LOCATION CHOSEN TO INSTILL PASSENGER CONFIDENCE, WHILE AT THE SAME TIME PERFORMING ITS FUNCTIONAL REQUIREMENTS.

CCTV CAMERAS WILL BE MOUNTED SO AS TO PROVIDE FIELD-OF-VIEW WIDTHS THAT ARE AS CONSISTENT WITH OBJECT RESOLUTION REQUIREMENTS AND DEPTH OF FOCUS AS POSSIBLE. AREAS UNDER CCTV SURVEILLANCE SHALL BE ILLUMINATED SO AS TO FACILITATE OBJECT CONTRAST AND BRILLIANCE. CAMERAS WILL BE MOUNTED AT HEIGHTS ADEQUATE TO PROVIDE GOOD FIELDS OF VIEW OVER PASSENGERS AND TO RESIST VANDALISM, BUT SHALL BE VISIBLE TO PATRONS.

SHORT-TERM PLAYBACK CCTV RECORDERS PROVIDED TO RECORD PLATFORM EMERGENCIES AND TO IDENTIFY SUSPECTS IN THE PROCESS OF ROBBERY OR EXIT THROUGH THE FARE-COLLECTION AREA.

ALL CCTV CAMERAS WILL BE MONITORED DURING ALL OPERATING HOURS AT THE RAPID TRANSIT CONTROL CENTER (RTCC).

TWO-WAY PASSENGER-AID EMERGENCY PHONES PROVIDED FOR COMMUNICATION BETWEEN PASSENGERS AND RTCC SECURITY MONITORS. MANY PASSENGER-AID EMERGENCY PHONES WILL BE WITHIN VIEW OF A CCTV SO THAT THE MONITOR CAN QUICKLY VIEW THE SITUATION, THEN DETERMINE WHAT ACTION TO TAKE, THUS MINIMIZING TIME LOSS DUE TO FALSE ALARMS.

PASSENGER-AID EMERGENCY PHONES FROM OUTSIDE THE CCTV SURVEILLANCE AREA WILL SELF-LOCATING.

ELEVATOR ENTRANCES WILL BE UNDER CCTV SURVEILLANCE, WHERE POSSIBLE.

INTRUSION DETECTORS SHALL BE PROVIDED AT CRITICAL NON-PASSENGER AREAS (E.G., TRAIN CONTROL ROOMS). THEY SHALL ALSO BE PROVIDED AT ALL STATION ENTRANCES AND ARMED DURING NON-SERVICE HOURS.

NOOKS AND CRANNIES WHICH COULD CONTAIN SABOTAGE MATERIALS HAVE BEEN ELIMINATED WITH STATION DESIGN SO AS TO FACILITATE SEARCHES IN THE EVENT OF BOMB THREATS, AND PROVIDE SAFE DISPOSAL ROUTES AND AREAS FOR DEALING WITH SUSPICIOUS ARTICLES.

WALKWAYS OVER TRACKS SHALL HAVE BARRIERS OF SUFFICIENT HEIGHT TO DISCOURAGE CLIMBING, TRAILING WIRES OR CHAINS, OR THROWING OBJECTS ONTO THE TRACK OR CATENARY.

ALL STATIONS WILL BE EQUIPPED WITH A SECURITY TWO-WAY RADIO SYSTEM FOR USE BY SECURITY PERSONNEL USING PORTABLE RADIOS.

PASSENGER VEHICLES

TWO-WAY COMMUNICATION SYSTEM IS TO BE PROVIDED BETWEEN THE PASSENGERS AND THE OPERATOR, WITH CONVENIENT ACCESS BY THE PASSENGERS.

VEHICLES ARE DESIGNED TO BE WELL-LIGHTED WITH PASSENGER COMPARTMENTS EASILY VISIBLE THROUGH LARGE WINDOWS FROM STATION PLATFORMS.

MAXIMUM PASSENGER DENSITY IS ENCOURAGED DURING LOW PATRONAGE HOURS BY REDUCING THE NUMBER OF CARS PER TRAIN. ALSO, WE INTEND TO HAVE A MAXIMUM OF 4 CARS PER TRAIN IN THE PEAK.

SEATS, WALL MATERIALS AND WINDOWS ARE MADE TO BE RESISTANT TO VANDALISM AND TO BE EASILY CLEANED, WHILE MINIMIZING FIRE HAZARDS.

OPERATORS HAVE DIRECT TWO-WAY RADIO COMMUNICATION WITH CONTROL CENTER.

VEHICLES ARE TO BE LOCKED, PREVENTING UNAUTHORIZED ENTRANCE

DURING UNATTENDED PERIODS. ALL VEHICLES WILL BE STORED INSIDE AT NIGHT.

OPERATORS' CABS ARE CAPABLE OF BEING SECURED.

A HIDDEN SILENT ALARM BUTTON, AS IN THE BUS SYSTEM, IS PROVIDED TO ALERT RTCC OF ANY PROBLEMS.

COMMUNICATIONS

AS A MINIMUM, SECURITY-RELATED TWO-WAY COMMUNICATIONS CAPABILITY WILL BE PROVIDED BETWEEN:

- (1) TRAIN OPERATOR AND RTCC BY RADIO
- (2) PASSENGERS AND TRAIN OPERATOR BY INTERCOM
- (3) STATIONS AND RTCC BY RADIO
- (4) RTCC TO PASSENGERS ON VEHICLE BY P.A.
- (5) RTCC TO PASSENGERS ON STATION BY P.A.
- (6) RTCC TO SECURITY FORCES/AGENCIES BY RADIO
- (7) WAYSIDE EMERGENCY COMMUNICATION BOXES TO RTCC
BY PHONE
- (8) YARDS AND SHOPS, TO RTCC BY PHONE
- (9) ELECTRIFICATION AND TRAIN CONTROL INSTALLATIONS TO
RTCC BY PHONE
- (10) PASSENGER-AID EMERGENCY PHONES TO RTCC BY PHONE

AS PREVIOUSLY NOTED, THE NFTA WILL IMPLEMENT A TRANSIT

AUTHORITY POLICE FORCE WHICH WILL PROVIDE A SUBSTANTIAL PHYSICAL PRESENCE IN BOTH THE SURFACE AND UNDERGROUND STATIONS. TO FURTHER BOLSTER THIS PRESENCE, WE WILL BE USING CANNINES.

THE RELATIONSHIP BETWEEN THE TRANSIT AUTHORITY AND THE LOCAL PUBLIC SERVICE AGENCIES WILL BE CLEARLY DELINEATED AND PUT INTO WRITING.

WE FEEL THAT PUBLIC EDUCATION AND INFORMATION ON THE SAFETY AND SECURITY FEATURES OF THE LRRT SHOULD BEGIN WELL IN ADVANCE OF SYSTEM OPERATIONS. TO THAT END WE HAVE RECEIVED A SMALL UMTA GRANT TO DEVELOP AND IMPLEMENT A MOBILE INFORMATION PROGRAM. IN ADDITION TO DESCRIBING THE LRRT SYSTEM CHARACTERISTICS, THIS PROGRAM WILL BEGIN EDUCATING THE PUBLIC, THROUGH SLIDES AND PHAMPHLETS, ON THE VARIOUS SECURITY FEATURES PREVIOUSLY DISCUSSED.

THIS VAN WILL BE BROUGHT TO SCHOOLS, SHOPPING CENTERS, FAIRS, ETC. ON A BROADER SCALE WE INTEND TO APPLY FOR ADDITIONAL FUNDING TO FULLY INFORM THE PUBLIC OF THE SAFETY AND SECURITY FEATURES INHERENT TO THE LRRT SYSTEM. WE EXPECT TO DEVELOP RADIO AND TELEVISION SPOTS TO EDUCATE POTENTIAL RIDERS.

WE WILL BE REQUESTING FUNDING TO AID IN DEVELOPING AND IMPLEMENTING A TRAINING PROGRAM FOR TRANSIT SECURITY POLICE. THE NFTA BOARD HAS TAKEN THE FIRST STEP BY CREATING A CORE TRANSIT

SECURITY POLICE FORCE, UTILIZING THE TRAINING FUNDS. THIS CORE OF TOP INDIVIDUALS WILL DEVELOP A STAFFING AND MANNING PLAN AND A TRAINING PROGRAM.

IN ADDITION TO THE TRANSIT POLICE, WE FULLY EXPECT TO CONTINUE OUR INVOLVEMENT WITH THE GUARDIAN ANGELS. WE CURRENTLY HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING WITH THE GUARDIAN ANGELS AND WILL PROVIDE FREE ACCESS TO OUR FACILITIES AND BUSES WHILE THEY ARE IN PERFORMANCE ON THEIR PATROLS. THEIR OFFICIAL IDENTIFICATION CARD WILL SERVE AS A BUS PASS WHILE ON DUTY.

THE GUARDIAN ANGELS ARE TO ACT IN ACCORDANCE WITH ALL EXISTING LAWS AND ABIDE BY THE RULES, REGULATIONS, AND DIRECTIVES OF THE AUTHORITY AND SHALL BE SUBJECT TO THE CONTROL AND DIRECTIVES OF THE RESPONSIBLE NFTA EMPLOYEE IN CHARGE. THE ANGELS ARE NOT TO ACT AS AGENTS OR EMPLOYEES OF THE NFTA FOR ANY PURPOSE.

THANK YOU FOR THIS OPPORTUNITY TO MAKE THIS STATEMENT.

I WOULD BE PLEASED TO ANSWER QUESTIONS YOU MAY HAVE.

CONCLUSION OF HEARING

Senator D'AMATO. That concludes this special field hearing. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 2:30 p.m., Wednesday, January 18, the hearing was concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

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